



The Journal OF THE *House of Representatives*

ORGANIZATION SESSION

Tuesday, November 19, 2002

Journal of the House of Representatives for the Organization Session of the 81st House since Statehood in 1845, convened under the Constitution, begun and held at the Capitol in the City of Tallahassee in the State of Florida on Tuesday, November 19, 2002, being the day fixed by the Constitution for the purpose.

The Honorable Tom Feeney, retiring Speaker and Congressman-elect, called the House to order at 10:00 a.m.

The following certified list of Members elected to the House of Representatives was received:

State of Florida

Office of Secretary of State

I, Jim Smith, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the Fifth day of November, A.D., 2002, to the office of Member, House of Representatives, as shown by the records of this office:

HOUSE DISTRICT NUMBER	ELECTED REPRESENTATIVE
1—Greg Evers	29—L Ralph Poppell
2—Dave Murzin	30—Mike Haridopolos
3—Holly Benson	31—Mitch Needelman
4—Ray Sansom	32—Bob Allen
5—Don Brown	33—Sandra “Sandy” Adams
6—Allan Bense	34—David J. Mealor
7—Bev Kilmer	35—Jim Kallinger
8—Curtis Richardson	36—Sheri McInvale
9—Loranne Ausley	37—David Simmons
10—Will S. Kendrick	38—Fred Brummer
11—Dwight Stansel	39—Bruce Antone
12—Aaron Bean	40—Andy Gardiner
13—Mike Hogan	41—Randy Johnson
14—Terry L. Fields	42—Hugh H Gibson
15—Audrey Gibson	43—Charles S. Dean
16—Mark Mahon	44—Dave Russell
17—Stan Jordan	45—Tom Anderson
18—Don Davis	46—Heather Fiorentino
19—Dick Kravitz	47—Kevin Christopher Ambler
20—Doug Wiles	48—Gus Michael Bilirakis
21—Joe H. Pickens	49—John “Q” Quinones
22—Larry Cretul	50—Kim Berfield
23—Ed Jennings, Jr.	51—Leslie Waters
24—Dennis K. Baxley	52—Frank Farkas
25—Carey Baker	53—Charlie Justice
26—Pat Patterson	54—John Carassas
27—Joyce Cusack	55—Frank Peterman, Jr.
28—Suzanne M. Kosmas	56—Sandra L. Murman
	57—Faye Culp
	58—Bob Henriquez
	59—Arthenia L. Joyner
	60—Ed Homan
	61—Ken Littlefield
	62—Johnnie B. Byrd Jr.
	63—Dennis A. Ross
	64—John Stargel
	65—Marty Bowen
	66—Baxter Troutman
	67—Ron Reagan
	68—Bill Galvano
	69—Donna Clarke
	70—Nancy C. Detert
	71—‘Jerry Paul’
	72—Lindsay M. Harrington
	73—Bruce Kyle



74—Jeff Kottkamp
 75—Carole Green
 76—J. Dudley Goodlette
 77—Joseph R. Spratt
 78—Richard A. Machek
 79—Frank Attkisson
 80—Stan Mayfield
 81—Gayle Harrell
 82—Joe Negron
 83—Carl Domino
 84—James “Hank” Harper, Jr.
 85—Shelley Vana
 86—Anne M. Gannon
 87—Adam Hasner
 88—Susan Bucher
 89—Mary Brandenburg
 90—Irving “Irv” Slosberg
 91—Connie Mack
 92—John P. “Jack” Seiler
 93—Chris Smith
 94—Matthew “Matt” Meadows
 95—Ronald “Ron” L. Greenstein
 96—Stacy J. Ritter
 97—Nan H. Rich
 98—Roger Brian Wishner
 99—Eleanor Sobel
 100—Timothy M “Tim” Ryan
 101—Mike Davis
 102—Rafael “Ralph” Arza
 103—Wilbert “Tee” Holloway
 104—Yolly Roberson
 105—Kenneth “Ken” Gottlieb
 106—Dan Gelber
 107—Gustavo A. Barreiro
 108—Phillip J. Brutus
 109—Dorothy Bendross-Mindingall
 110—Rene Garcia
 111—Marco Rubio
 112—David Rivera
 113—Manuel Prieguez
 114—Gaston Cantens
 115—Juan-Carlos “J.C.” Planas
 116—Marcelo Llorente
 117—Julio Robaina
 118—Edward B. Bullard
 119—Juan C. Zapata
 120—Ken Sorensen



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capitol, this the 17th day of November, A.D., 2002.

JIM SMITH
 SECRETARY OF STATE

Prayer

The following prayer was offered by Rabbi Shalom Lipskar of Shul of Bal Harbor, upon invitation of Rep. Byrd:

Sovereign of the universe, all-merciful God in the heavens and on earth, we beseech your bountiful blessings upon this august assembly of distinguished leaders who have been elected and have chosen to dedicate their mind, heart, and soul to the service of our great state and country. Endow each of these illustrious men and women of distinction with wisdom, understanding, and knowledge, imbued with compassion, love, and kindness to selflessly fulfill the sacred mission to which they have been elected.

As we stand at the infancy of our new millennium, we must focus on bringing our world and all of its inhabitants to a time when there will be no more wars, illness, hatred, jealousy, and egocentric

competitiveness, and making a reality of Isaiah's prophecy: thou swords, spears, and armament will be transformed to tools of progress, construction, and civilization. We must visualize a world where our efforts will eradicate the last vestiges of evil and corruption, so that the lion and lamb will coexist peacefully, nations will not live in fear of other nations, and all humanity will pursue peace, justice, refinement, and collaboration.

May the Holy One, in whose hands our globe hangs in place in the vastness of space, sustain and support the assembled heads of our great state in this great hall of just deliberation, to create the mechanism and environment where all children will be loved, cared for, and educated; where the lowliest and neediest will be given opportunity and respect; where the elderly will be revered and honored; where those who seek healing physically, mentally, and spiritually will be afforded that basic need; where all of society will join in a unified effort to bring our world to the messianic time when, as the great scholar, physician, and philosopher Maimonides ends his magnum opus, the universe will be filled with the knowledge of the Lord as the water fills the sea. We offer gratitude to you, God, our strength, King of the universe, for granting us life and sustenance to reach this significant day.

May god bless America and bless us all.

The following prayer was offered by the Reverend Ron Churchill of First Baptist Church of Plant City:

Today, Lord, we are thankful for all of our elected officials. Lord give them the thick skin to ward off the undue criticism that will come, a warm heart to love the indigent and infirm, the imprisoned, and the innocent youth of our state.

We particularly pray today for Johnnie and Melane Byrd. Lord, please lead them and bless them. Keep them very, very close to you. Keep their family strong and their hearts pure. Dear Lord, give Johnnie great insight that could only come from You. Help us to follow him and to hold up his arms.

We pray that You will keep us safe during these dangerous days and in the time that we have, that we all would honor You.

For we ask it today in our Lord's name. Amen.

The following Members were recorded present:

Session Vote Sequence: 1

Adams	Clarke	Harrington	Murman
Allen	Cretul	Hasner	Murzin
Ambler	Culp	Henriquez	Needelman
Anderson	Cusack	Hogan	Negron
Antone	Davis, D.	Holloway	Patterson
Arza	Davis, M.	Homan	Paul
Attkisson	Dean	Jennings	Peterman
Ausley	Detert	Johnson	Pickens
Baker	Domino	Jordan	Planas
Barreiro	Evers	Joyner	Poppell
Baxley	Farkas	Justice	Prieguez
Bean	Fields	Kallinger	Quinones
Bendross-Mindingall	Fiorentino	Kendrick	Reagan
Bense	Galvano	Kilmer	Rich
Benson	Gannon	Kosmas	Richardson
Berfield	Garcia	Kottkamp	Ritter
Bilirakis	Gardiner	Kravitz	Rivera
Bowen	Gelber	Kyle	Robaina
Brandenburg	Gibson, A.	Littlefield	Roberson
Brown	Gibson, H.	Llorente	Ross
Brummer	Goodlette	Machek	Rubio
Brutus	Gottlieb	Mack	Russell
Bucher	Green	Mahon	Ryan
Bullard	Greenstein	Mayfield	Sansom
Byrd	Haridopolos	McInvale	Seiler
Cantens	Harper	Meadows	Simmons
Carassas	Harrell	Mealor	Slosberg

Smith	Spratt	Troutman	Wiles
Sobel	Stansel	Vana	Wishner
Sorensen	Stargel	Waters	Zapata

A quorum was present.

Presentation of the Colors

The Colors were presented by Earnest L. Clemons, Sergeant First Class, United States Army; Mark Oglesby, Sergeant Second Grade, United States Army; Randell Crews, Master Sergeant, United State Air Force; Dorris Grey, Technical Sergeant, United States Air Force; Thomas Aycock, Sergeant First Class, United States Army; Linda Boyillon, Sergeant, United States Army; Rodney Jenkins, Sergeant Second Grade, United States Army; Judd Smith, Midshipman, United States Marine Corps; and Stephen B. Kireta, Midshipman, United States Marine Corps.

Pledge

The Members, led by Mr. George Andres, pledged allegiance to the Flag.

House Physician

The Speaker introduced Dr. John Saranko, Dr. Rob Baskin, and Dr. Greg Gutowski of Plant City, who served as Doctors of the Day, at the invitation of Representative Byrd.

Presentation of Guests

The Chair presented the following former Speakers: the Honorable Doyle E. Conner, the Honorable Richard A. Pettigrew, the Honorable Donald L. Tucker, the Honorable Ralph H. Haben, Jr., the Honorable H. Lee Moffitt, the Honorable James Harold Thompson, and the Honorable John Thrasher.

The Chair presented the following former Republican leaders: the Honorable Jim K. Tillman, the Honorable S. Curtis "Curt" Kiser, the Honorable Ronald R. "Ron" Richmond, and the Honorable R. Dale Patchett.

Additionally, the Chair introduced the following guests: Tom Slade, former Florida Republican Party Chairman; Al Cardenas, Florida Republican Party Chairman; Van Poole, former Florida Republican Party Chairman; the Honorable Connie Mack, former U.S. Senator; the Honorable C. Thomas "Tom" Gallagher III, Treasurer and Commissioner of Insurance; the Honorable Charles H. "Charlie" Bronson, Jr., Commissioner of Agriculture and Consumer Services; the Honorable Charlie Crist, Jr., Commissioner of Education; and the Honorable Bobby Brantley, former Lieutenant Governor.

Oath of Office Administered

The newly elected Members, in groups of five, proceeded to the well, where the Oath of Office prescribed by the Constitution was administered by Justice Raoul G. Cantero III, Florida Supreme Court.

The returning Members, as a group, stood at their desks and the Oath of Office prescribed by the Constitution was administered by Justice Raoul G. Cantero III, Florida Supreme Court.

Election of the Speaker

The Chair announced the House would proceed to the election of Officers and, for the purpose of nominations, motions would be seconded. Nominations would now be in order for Speaker of the House of Representatives, under Article III, Section 2, of the Florida Constitution, for a term of two years beginning today.

Rep. Goodlette nominated the Honorable Johnnie Byrd for Speaker.

Rep. Goodlette: Members and honored guests, it is with, indeed, the deepest pleasure that I stand before you, able to purloin the famous words of the man we are here to honor today, "It is a great day in the State of Florida!" [applause] For how great it really is for us to be able

to gather together as emissaries of the people of this great state, to select just one person who will stand with us as the captain of this ship, providing the steady hand on the tiller as we move through the calm waters and also turbulent seas.

Leadership is not always easy, for with leadership comes responsibility. This body must always take care to bestow the burden of responsibility upon only those strong enough to stand upright in even the most tumultuous of times. It is with both pleasure and absolute certitude that I stand before you to place in nomination a leader who will stand tall and certain at all times. I have indeed had the pleasure of working closely with Speaker Johnnie Byrd as he articulated important separation of powers principles before the Florida Supreme Court, as he explained in some considerable detail the important principles of our founding fathers as we went about selecting presidential electors, and for the incredible leadership that he has provided in preserving Florida's economic future.

Look about you at the portraits on these walls. Indeed, Members, this is a solemn act that we are here about today. As by our vote we will cast our lot with those who have gone before and create a pathway for the future. I can attest to each of you that my nominee, today, deserves to have his portrait hang upon these walls and guide the future generations who will meet in this hallowed Chamber. Each of us indeed, is best known by the foundations upon which we offer our lives, and upon which our lives are built. The man we have chosen to honor here today—by offering him the mantle of responsibility—has built his life on a stable foundation of four principle posts: his faith, his family, his friendships, and service. To each of these he has committed a life of constructive action and for each he has always placed the proper priorities of dedication, of enhancement, and of sacrifice.

Much indeed has been written in the press of late about my good friend, Johnnie Byrd, as if he is an enigma because he chooses his words carefully and he does not rush to judgment. I have been amused by the writers who continue to ask the question, "Who is this man destined to become the Speaker?" The answer, my friends, is not difficult to see. He is a man whose faith serves as his lantern, guiding him in all things. His faith allows him to move forward with certitude, trusting that his best judgment is guided by a strong and certain wind at his back. He is humble by nature and maintains a ravenous appetite to learn all that he can know.

He is a man who is proud of his family. Melane, Melane Ann, who unfortunately is the only child of Johnnie and Melane who can't be with us today—she can't be with us because she is serving her country, learning in flight training in Pensacola. We regret that Melane Ann cannot be here, however we are delighted that Sherer and Amanda and Bryars, the entrepreneur of the family, are with us this morning. All of those members of his family provide the energizing fuel for Johnnie Byrd's passion to make life better for all Floridians. He truly believes in the adage that a family is one of nature's masterpieces.

He is a man who asks very little of his friends and he offers much. He is wise of counsel. He is constant in loyalty. And he has a passionate, indeed a very passion about the defense of liberty and freedom. And he is a man of service who has done much for his community in which he lives and, in rising to this level, brings many benefits for the larger community of Florida. One of his least favorite words, as we all know, and will learn more, is "taxes." As he is certain that the words of Cervantes in Don Quixote hold very true today: "A little in one's own pocket is better than much in another man's purse," particularly if that purse belongs to the government. He is one who knows deeply that "eternal vigilance is the price of liberty," and "that liberty exists in proportion to wholesome restraint." And it is with the strongest faith that I trust this man to be ever vigilant.

Daniel Webster once said, "We are all agents of the same supreme power, the people." Of course we have been entrusted by them to make the wisest decisions possible, the most important of which is who we choose to guide us as we move forward in servicing the sacred trust bestowed upon us by the people. At the end of this term I will be able to reflect upon the words of II Timothy, "I have fought the good fight, I have finished my course, I have kept the faith."

I am humbled and, indeed, I am honored, to offer the name of my good friend and your friend and our leader, Johnnie Byrd, as the next Speaker of the Florida House of Representatives. [applause]

Rep. Green seconded the nomination of Rep. Johnnie Byrd for Speaker.

Rep. Green: Thank you, Mr. Chairman. Members, it is indeed an honor to second the nomination of Johnnie Byrd.

It is truly important to think long and hard regarding one of the most important decisions that we as a body must make, the decision as to who will not only guide the House of Representatives and its Members, but who will also serve this great state as the Speaker of the House with the assumed responsibilities and challenges that that job brings with it.

We have faced many challenges in the short time many of us have served, and Mr. Byrd has certainly proven himself a true statesman and a leader by his vision for the future, his integrity, and his character. One of the things that I admire most is his ability to quiet the Chamber as he delivers one of his eloquent speeches, usually given to put the finishing touches on some of our most important pieces of legislation and, sometimes on our most controversial issues.

I believe that one of the most important characteristics we should look for in our Speaker is a true servant-leader—a leader who wants nothing more than to bring value to the body by lifting each and every one of us up and helping us all to do whatever supports the greater good for all. Johnnie Byrd is a true servant-leader. He believes deeply in the unlimited potential of each person and that it is the leader's role to invite, develop, and encourage this valuable resource. Johnnie Byrd is sincere when he says, as he often does: "What can I do to make you a success?" If you haven't heard it already, you will. To help make each of us a success is the true sign of this great, great leader that we have with us.

It is indeed an honor and a privilege to second the nomination of my dear friend, Speaker Johnnie Byrd. [applause]

Presentation of the Governor and Lieutenant Governor

The Chair recognized the presence of Governor Jeb Bush and Lieutenant Governor Frank Brogan.

Rep. Johnson seconded the nomination of Rep. Johnnie Byrd for Speaker.

Rep. Johnson: Most of us know the professional side of Johnnie Byrd. I've known him for quite some time and I've come to respect his strong family connections, his terrific support mechanisms. The man I'm seconding has succeeded in balancing his professional life, his political life, his personal life. He's been married to Melane for 27 years. I think we would all agree that our spouses are not given enough credit with respect to our successes.

Melane Byrd is a mother of four terrific children, former public school teacher. Johnnie and Melane, they are a team. They stand shoulder to shoulder. Not just for each other, but for others as well. They are a couple that you would naturally seek out for support and comfort in a time of need and I think, perhaps, each one of us has done that. They have four wonderful children. The oldest daughter, Melane Anne, just completed the Naval Academy, as you heard. And as a former naval officer, I will tell you, I understand how incredible that accomplishment is. Truly, graduating from that academy makes you one in a million. Graduating as a woman, makes you literally one in ten million. Maybe that gives you some sense that accomplishment alone, coupled with Ensign Byrd's willingness to sacrifice herself for her country, gives you some scale of how terrific this family is. Sherer, the Byrd's second daughter, goes to the University of Miami. Melane will tell you that she knows very well about the infamous South Florida Conspiracy. Of course, we talk about that a lot on this floor, but there is a special flavor in the Byrd family in respect to this conspiracy. It's very simple. And that is, it seems that there are no operating laundry machines south of Plant City with respect to their second daughter.

Because of this terrific family strength and for many other reasons, Johnnie Byrd is a man who I have described in the past, a man who stands as a pillar in this House. Born and raised in Brewton, Alabama, now hailing from Plant City, Florida, he is already an excellent attorney, a superb state representative; and, now we are asking him for another mission of leadership with a fiscal and substantive task that the people of Florida have given us. There really is only one person for this job. I'm proud to nominate Johnnie Byrd for Speaker of the Florida House of Representatives. [applause]

Rep. Waters seconded the nomination of Rep. Johnnie Byrd for Speaker.

Rep. Waters: As we all anticipate with eagerness and excitement the next two years, there is this question on many minds of "What will Johnnie Byrd bring to the Florida House of Representatives?" Well, I know for sure that he will bring 6-foot-2 tidal waves: Waves of encouragement and expectations that will push each of us to achieve our goals; waves of principled ideals; waves of increased level of respect and professionalism to an often chaotic political atmosphere; waves of family values and reminders of importance of family; waves of concern for all Floridians, from the stay-at-home mom to the couples on fixed incomes; waves of fresh strawberries imported from Plant City; waves of southern charm imported all the way from L.A.—Lower Alabama; waves of deliberative decision making; waves of loyalty toward his colleagues, you and me; waves of high expectations of you and me; waves of humor often meant to disarm and neutralize a tense moment; and waves of the memory we all have of a stern father with that look that says it all.

So ladies and gentlemen, it is now time to support Johnnie Byrd, with those powerful 6-foot-2 waves of responsibilities, accountabilities, long hours, hard work, frustrations, challenges, and 119 "Type A" personalities.

So Representative Murman, Representative Farkas, and Representative Mack, you know what time it is—it is time to catch the "Waters Wave." For better government—yes, I am sorry it is time that the "Waters Wave" comes to the Chamber of the Florida House of Representatives. For better government for our leader, our friend, our Speaker Johnnie Byrd, are you ready, Members? On the count of three we will catch the "Waters Wave" for better government and for the next Speaker of the Florida House of Representatives, Johnnie Byrd. One, two, three—WOW! [applause] Thank you very much. [applause]

Rep. Gelber nominated the Honorable Doug Wiles for Speaker.

Rep. Gelber: Mr. Speaker, Members, honored guests, Justice Cantero, Governor Bush, Lieutenant Governor Brogan, I am honored to stand here today to place in nomination, Doug Wiles, as Speaker of the Florida House of Representatives, 2002 to 2004. Now I'd be remiss if I didn't pause for a moment to compare today to the last time that we met to choose our leadership. We could not have been a House more divided at that time, as we considered the presidential recount. Today our 63 Members are slightly more experienced. We know where the parking garage is. We know where the bottom level of the parking garage is. [laughter] We know that there is no Virginia Pipollini in the gallery. [laughter] That wasn't me. This year, however, our challenge is, while not as partisan, I believe will be just as important and, in many respects, much more difficult. That is why I believe we are fortunate to consider Representative Wiles as a candidate for Speaker and, as a vital Member, to have him in this House.

If this great body is truly a marketplace for ideas—and I believe that it is—there is no more honest vendor of ideas than Representative Wiles. He is today, as he was in 1996 when he was first elected, a true consensus builder, a person of great integrity who respects this process and his colleagues, and someone who has a very, very healthy respect for the awesome responsibility that comes with this trust. But it is no surprise, if you know Representative Wiles and from where he comes: he is a third generation public servant, his father Herbie and grandfather Randy serving several terms in the St. Johns County Commission. He also is a retired lieutenant colonel, having served in both the U.S. Army and in the Florida National Guard. The citizens of Clay, Flagler, St. Johns, and Volusia County know this as well. He has been their

representative since 1996, and has been one of the most attentive in this House to the needs of his constituents. Perhaps it is his background as an insurance agent that makes him so empathetic to the issues confronting people. Or perhaps it is the influence of Doris, his wife of 27 years, or his children, Lindsay and Ashley.

Now this House, we may face our greatest challenges over the next two years as we navigate a crushing budget crisis and insurance premium debate and vital homeland security issues. While we may seek different routes—and I don't mean simply two routes, but probably 120 different routes in this House—I believe we'll always try to do what is best, no matter our route, for the people of the state of Florida. That is why we are very well served to have Representative Wiles here. He is both a mature and honest voice. He is someone without pretext. And as we embark on this journey together over the next two years, we are very fortunate to have him here.

It is for these reasons that I am honored to place Representative Wiles's name in nomination to serve as Speaker of the great Florida House of Representatives. Now Representative Wiles, I'm not sure—I talked to the whips—I'm not sure about the 120 votes we need on this particular issue. [laughter] But I do know this: you have 119 people in this Chamber who respect your service, who respect your dedication, and respect your example. And I think that's just as good as any vote we're about to take.

Thank you. [applause]

Rep. Cusack seconded the nomination of Rep. Doug Wiles for Speaker.

Rep. Cusack: It is with great pleasure and honor that I second the nomination of Doug Wiles for the Speaker of the Florida House of Representatives. Doug will serve us well, whatever the capacity. He is a committed man and a man of great service. He's a man of wisdom, knowledge, and understanding. He will listen. He will study the issue. He will make an informed, well-thought out decision. And you can count on Doug to stand and speak out for what is right but may not always be popular. He is a man of courage. He lives by the creed that a man's word is his bond.

He is a man of commitment. He's committed to God, serving as an elder in the Memorial Presbyterian Church. Doug is committed to family, married to Doris for 27 years. And that ain't no easy task. I know, I've been married for 40 years myself. [laughter] He is the father of two fine daughters. Doug is committed to the community. He continues to serve on many boards and commissions. He's the recipient of many honors and awards. Doug is committed to his country. He is a retired Lieutenant Colonel, having served in the United States Army and the Florida National Guard. I'll tell you, Doug is a man among men. He is committed to God, family, community, and country. And he's willing to serve. He is committed to making the world a better place for having passed this way. He's a generation, a third generation, if you will, of public service.

Doug is a man who cares and he shares. He has served and shared much of his knowledge and understanding about the legislative process to many of us. We served together as part of the Florida, as the Flagler County Delegation—I as chairman, Doug and Senator King as my cohorts, who always covered my back. He's a great man and was a part of that great team.

And finally, I say to you, Doug is known in this legislature as a bipartisan consensus builder. He will work with each of us to the very best of his ability, and will do those things that would make us proud to be citizens of this great country. And it affords me great pleasure, this morning, to second the nomination of my friend Douglass Wiles for Speaker of the Florida House of Representatives. Thank you. [applause]

Rep. Jennings seconded the nomination of Rep. Doug Wiles for Speaker.

Rep. Jennings: Thank you, Mr. Chairman. I consider it indeed an honor and a privilege to stand here before you and this august body to second the nomination of Douglass Wiles for Speaker of this great House.

I, like Representative Gelber, must stand here in awe and reflection of two years ago where I stood in front of this great body and, as I am attempting to speak today, mumbled and bumbled in front of a billion people watching us as we dealt with the greatest issues in this nation's history. But even though the eyes of the world are not watching us today, I realize that the future of this state and how it goes forward determines how the future of this country will go forward. And as we cast an eye over this great body of great men and women, from the great panhandle of this state to the great Florida Keys, and look for a person of great stature and standing, one who respects the extraordinary mission ahead of all of us, I lend you and recommend to you Doug Wiles for that position of leadership, a man who understands the great diversity of our state. And you so see that in those who are recommending him and those who he has picked in his leadership team. There is a greatness of the diversity of this great state. I stand here as a son of a politician. I understand, being reared by a politician and how important that is and, he has two generations sense of that in his blood and his genes. So I know he will be a great leader of this august body. But as we stand forth and look forth and face the future of this world, and when things will be said decades hence about us and what did we do, and we looked at this House and who would be our leader, I recommend to you Doug Wiles who has led this country on the battlefield. I ask him to lead this House as we look forward to the future of this great state, Mr. Chairman. And as we look forward to where we go, I recommend to you as always—those of you who all know me very well—also another great Gator, a graduate of the great University of Florida, as our next leader.

But in closing I give you the words of one of our greatest icons, one of our greatest presidents, he was called in many quiet circles as the "great prudent steward," and that was John F. Kennedy. And it was said that he asked for every dollar of public money spent, there be a dollar of results. And that is the kind of leadership that Doug Wiles would bring to the Florida House and again I recommend him to you and all who are near the sound of my voice, to be our Speaker of the House for the 2002-2004 session. Thank you very much. [applause]

On motion by Rep. Kilmer, seconded by Rep. Berfield, nominations ceased and Reps. Byrd and Wiles were declared nominees for Speaker.

Rep. Wiles was recognized for remarks and a motion.

Rep. Wiles: First, let me take a few moments to thank those who stood a few moments ago for me and had some remarkable comments—I only hope that I am up to the task—and to the Members of the House Democratic Caucus for your support over the last eighteen months plus. Members and Mr. Chairman, Florida, I think we all know, faces a number of difficult issues today whether it is small business, working families, or children. And we are going to have to make, in the next couple of sessions of the legislature, a number of difficult decisions. We face many, many challenges as we move forward as a House, collectively. I believe, today, as we begin the next session of the legislature, that we are at a crossroads. On one path, we can move forward in our own individual directions with legislation and bills and ideas that are separate from the desires of many Floridians. I think that path, if we so choose to take it, will result in unintended consequences and the passage of things that we perhaps will regret down the road in a few months or a few years. On the other hand, we can choose a route that we work together to build consensus and to collectively work to solve many of the issues that are ahead of us and to meet those challenges head on with confidence in knowing we are working on behalf of all citizens of the state of Florida.

Mr. Chairman, it is with that thought in mind and in a spirit of goodwill that I move to suspend the voice vote and to designate Johnnie Byrd as the next Speaker of the Florida House of Representatives by acclamation. [applause]

On motion by Rep. Wiles, the vote for Speaker was suspended and, by acclamation, Rep. Johnnie Byrd was declared Speaker of the House of Representatives.

On motion by Rep. Farkas, seconded by Rep. Kallinger, the Chair appointed Reps. Garcia, Benson, D. Davis, Mahon, Clarke, Allen,

Carassas, and Arza as a committee to escort Speaker Byrd and his family to the well.

Presentation of the Speaker

Rep. Bense presented the Honorable Johnnie Byrd, Speaker of the House of Representatives.

Rep. Bense: As I introduce family members and guests that are in the audience I hope you'll please stand. Members, if you'll hold your applause until introduction has been made it would certainly be appreciated. First of all, it is a profound honor to introduce to you, your new Speaker, Johnnie Byrd. [applause] It is my further privilege to present our Speaker's wife, Melane Byrd, [applause] Amanda Byrd, [applause] Sherer Byrd, [applause] "Bryars" Byrd, [applause] and the Speaker's mother, Mrs. Hazel Byrd. [applause] As many of you know, Johnnie's mother is from Brewton, Alabama, which is not far from my hometown and I always wondered why Johnnie made so many trips to my area. I know he would leave my house and go visit his mother on many, many occasions. So, Johnnie, you are a dedicated son as well. Also with us today are Speaker Byrd's law partners: Daniel Coton, if you'll stand, Robert Trinkle and his wife Ann Trinkle, and Conrad Swanson. Folks, thank you for helping Johnnie. [applause] Thank you.

Oath of Office Administered

Justice Raoul G. Cantero III, Florida Supreme Court, administered the Oath of Office to the Speaker.

Presentation of the Gavel

Former Speaker Feeney handed the gavel to Speaker Byrd, signifying his authority as the new Speaker of the House of Representatives.

THE SPEAKER IN THE CHAIR

Remarks by the Speaker

Speaker Byrd: This is an awesome day for me and my family. Thank you for being here. I tell you it's exciting times for the Byrd family. There are so many people to thank and I think now is the time to do that. First of all, I want to thank God for His guidance, I want to thank Him for watching over the state of Florida and this nation. And I hope that we will always delight in God's will and walk in His ways in the state of Florida.

I continue to marvel at how lucky I am to have Melane at my side. She's pretty awesome. We have a little stress from time to time, and the other day we were in the car and she got in and she said, "If I ever get married again—" [laughter] And I said, that's a problem when your wife starts a conversation by saying "if I ever get married again." And she said this—she said, "If I ever get married again, it will not be for money, it will not be for love, it will be for someone who has a sense of humor." [laughter] [applause] But our families and our spouses sacrifice so much so that we can pursue the dream of public service. And Melane, Sherer, Amanda, Bryars, we appreciate all that you do and I'm sorry I'm not home a lot, but it's worth it all. It's all worthwhile and you make it worthwhile, so thank you very much.

Mother, thanks for coming here again. We—I'm sorry Dad wasn't able to be here, but he was here six years ago. And I want to thank you publicly again for giving us the only thing that any child ever wants and that's a mother and a father who are committed to each other. And I want to thank you publicly for doing that for us; it meant all the difference in the world. [applause]

And I want to acknowledge my law partners again, Robert Trinkle and Ann, Conrad Swanson, Dan Coton. Thanks for coming up and helping us celebrate today. I hope Plant City is safe and sound when you get back. So, thanks for coming. Thank you. [applause]

Melane and I are absolutely overwhelmed by the number of friends from the district and the Tampa Bay area that have come up. And I would like to thank you for making our community a great place to live,

to worship, to work, and to raise a family. And I would like for the folks from the Tampa Bay area that are here today to stand up so that we can welcome you to the Florida House. So, stand up and welcome to the Florida House. [applause] Thank you. Thank you.

We have—the Governor and the Lieutenant Governor have gone to the Senate, but I want to thank them for having brought their stature to this occasion. Our new CFO, Tom Gallagher, thank you for being here and thank you for being a friend. We appreciate you. [applause]

And the former Leaders and former Speakers, thank you for being here. Members, if you ever want some sage advice, if you ever want some advice with the bark stripped off, you want someone to give it to you straight, make your way to the door of these former Leaders. That's what they're for. They are good at that. And I will tell you, if you are here as a freshman, I would start this morning after this session. Go and meet these former Leaders; tell them that you need their advice and counsel, because you do. And I will say that, when the great debates of the day fade into the mist of history, they will tell you the only thing that you leave here with are the friendships that you make on both sides of the aisle. So thank you for being here today, thank you. [applause]

I will be a little bit partisan; Van Poole, Tom Slade, and Al Cardenas, and the RPOF staff, thank you for your vision, your dream, your quest for the last decade. You did the heavy lifting, and we thank you for bringing us here today in the majority. So thank you. [applause]

And to my good friend, Jim King, President of the Senate—he and I are friends. Jim King and I are friends. [applause] Linda and Melane are friends. [applause] And if you remember that kid on the playground who used to always say, "Hey, let's you and him fight." Remember that kid? Don't listen to that kid when he says, "Hey, Senator King and Representative Byrd, you fight," because we are not going to listen to that. We are going to have a good relationship. [applause] We are going to work together and we are going to build a better Florida.

I'd be remiss if I did not thank the Clerk, and the Sarge, and our staff here in the Florida House of Representatives. You make us look good in spite of ourselves, every day. So we thank you. Thank you, Sarge. Thank you, Clerk. Thank you, staff. [applause]

Members, thank you for letting me be your leader. Yesterday, I told the Republican Conference that selecting a leader is a little like getting married. It can be a leap of faith. And my only experience with getting married was 27 years ago when I asked Melane to marry me; and she said that it was not only a leap of faith, it was a leap in the darkness. And I want to thank you for that, and I want to thank you for honoring me to be your leader. Suffice it to say that I will pledge to bring honor to the Florida House of Representatives for the next two years.

This day is about you. It's about your vision, it's about your future, and it's about the successes that you will have as Members of the Florida House of Representatives. And the real commitment is not from you to me, but from me to you. And I intend to be a servant-leader in the Florida House of Representatives. I intend to invest my time in your agenda as if it were my own. I intend to earn your support for the House agenda, not to demand it. I pledge to help you pursue an optimistic vision for the future of Florida: one full of promise, one full of hope, one full of choices for the people that we represent. Every day, the next two years, I will focus on my responsibility to you, not on any expectation or thing that I think I may deserve. In short, I am totally committed to making each and every one of you in the Florida House of Representatives successful. [applause]

I have a habit of telling the Members, "The future is bright. The future is bright." Now, there will always be naysayers who say the future may not be so bright. It makes good newsprint and it's politics. But the future is bright because in our citizens' wisdom a few years ago, they decided that we should have term limits. And I believe in term limits; they are a good thing. And what term limits have given us is you, the brightest, most articulate, energetic, driven team ever assembled in the Florida House of Representatives. Whether you are a Democrat or a Republican, or you're a freshman or a senior Member, whether you are Hispanic,

African American, Anglo, if you have a good idea, you will be successful in the Florida House of Representatives.

And I want to thank Doug Wiles. Doug Wiles is a true, true patriot in the State of Florida. And I want to thank you for starting off this session in a spirit of cooperation. Thank you, Doug. [applause] And I believe the reason that Representative Wiles, Leader Wiles has done that is that we all have a vision of success for Florida. We have a vision that includes successful students, smarter government, safer streets, affordable healthcare, better planning for growth, a cleaner environment. And we'll have some great debates over how to get there, but not over whether we will get there. That's why I am committed to a Member-driven process.

We are the legislative body that is closest to the people in Florida and that's a good thing. And in that vein, I want the people of Florida to play an ever-increasing role in what we do here in this Chamber. After all, it's the people's House. We live in the Sunshine State. The people of Florida like government in the sunshine. So I'm proposing today that we take open government to the next level by implementing something I call Sunshine Reforms or Sunshine Reform Program, so that we can take what we do in Tallahassee to the people of Florida, not force them to come to us, find their way to us, or rely on others to tell them what we do. And I think we can start by opening the legislative process to the light of day. I don't believe there is anything that we can ever do or should ever do that cannot stand the light of day. It's been said that sunshine is the best antiseptic to the misdeeds of government. So when we pass the proposed rules in just a minute, we will be allowing the sunshine into places where shadows have ruled. And you should be proud of that. We're also able to communicate like we have never done before. With the advent of information technology, the Internet, we will and we should communicate to the people we represent in real time. We are able to do that and we will take it to the next level.

Two weeks ago, on Election Day, the voters gave us a very clear message. They told us that Governor Bush and the Legislature are going in the right direction, that we are perceived as good stewards of the taxpayers' dollars and they like our principled leadership style. But they told us something else. They told us that they want to rebuild the public education system around the classroom, not the board room. And I wholeheartedly agree with that, but this is not something that we can do alone. We can't educate children in this Chamber. We can't do it with teachers alone. We need volunteers and we need volunteers in school, after school, and wherever we can get volunteers. And I would like to take a minute to share a brief story of one of the great heroes in our state who is an after school volunteer helping children. And Chris Hart just told me that we need to maybe reinstate the Information Technology Committee. So we are going to take another shot at a video clip; and I want you to meet a great hero in our state.

Lori Yearwood: Hello, I'm Lori Yearwood. I'm the Executive Director and Founder of Storyteller's Ink. We started this program at Charles R. Drew Elementary in Liberty City. What we do at Storyteller's Ink is everyday: we work on writing exercises, we work on speaking exercises, we work on drawing. And what the children do is they write about their experience, their strength, and their hope. And a lot of people have preconceived notions about inner-city kids. And some of them are true, and some of them aren't. And I'm learning through the children that no matter what they come from—like one child is particularly hard to reach and I had a hard time connecting with her. I would walk up to her and she would just say a quick hello. But she wanted to be in the class. And in one of her writings, she wrote about how she saw her father shoot her mother five times in the back. And since then, it was really hard for her to read that piece out loud. And since then she continually writes about it and continually becomes more involved and engaged in the class.

Little Girl: So Nigel broke my heart, because I don't think what my dad did was a good example for me when I grow up.

Lori Yearwood: And there is a smile on her face that I didn't see before.

Right now we are completely volunteer. I'm working full time. The art teacher has another two jobs and is donating her time to Storyteller's

Ink. Through encouraging them and helping them, they get so excited now to write. They can't wait to write, they can't wait to read out loud. They jump up and down; they hug me; they come to me in the hallways, and they say, "I have a story, Miss Lori, I have a story, I have a story." And that makes me really happy, because they're so excited to share who they are.

Speaker Byrd: If you want to see someone who is really making a difference, join me in welcoming Lori Yearwood to the Florida House of Representatives. [applause]

Join me in welcoming Commissioner of Agriculture Bronson to the Florida House of Representatives. [applause]

Now, before I ran for office, I was just a country lawyer. I didn't know much about state government. Melane was teaching the eighth grade in Hillsborough County public schools; and I had four kids in Hillsborough County public schools: one in kindergarten, one who was a senior, and two in between. So I was living, breathing K through 12. And I got a report every afternoon on the status of the public school system. When the opportunity to run for the House came, we took it. It was a chance of a lifetime, and our goal was to help reform education. Well, Melane, I guess our dream has come true in a big way. I will tell you that Election Day was not—some people would say Election Day was a mandate for higher taxes or growing government through quick fixes. I didn't hear that. I don't know if you heard that. I heard them say that they trust Governor Bush and the Legislature to reprioritize spending and not raise taxes. [applause] Working families in Florida are taxed enough. They spend a lot of their time trying to learn how to live within their means. Small business people in Florida every Friday, every payday, have to make a decision if they can keep going: if they can make their payroll, if they can pay their employees' health insurance, if they can pay workers' comp. This House should do no less. This House should do the same and we should live within our means in dealing with the people's budget. Given a choice between raising taxes and making choices, I think the choice is clear. This is an opportunity, not a challenge. It's an opportunity to reexamine everything we do in the state budget, specifically for public education, and to put everything on the table. So let's start in the classroom. Let's start with well paid teachers who are committed—who are energetic—to high standards, to accountability; and let's build our education system from the classroom up, not from the top down. [applause] And for the next several months, let's do what legislators should do: listen. Let's listen to taxpayers. Let's listen to parents. Let's listen to teachers, listen to the business community. And when we are finished, Florida's children will receive the best.

Returning Members know, and freshmen will quickly learn, that I am committed to finding a cure for Alzheimer's Disease. Alzheimer's Disease is a disease that touches 400,000 Floridians and their caregivers. Now, I think Stalin once said that a million deaths is a statistic, one death is a tragedy. Well 400,000 Floridians is a statistic. But I want to show you a real caregiver and let her tell you quickly her story. So we are going to try another video.

Suan Grant: My husband Jackie was diagnosed over seven years ago with Alzheimer's Disease. And at first I thought the doctor had to be wrong, because Jackie wasn't that bad. He would be confused at times, but then that would go away and he would have long periods of rationale. But eventually, I had to admit to the fact that the doctors were correct and Jackie did have Alzheimer's Disease. And here was this wonderful, charming, charismatic, successful businessman who was being stolen away from me in front of my eyes by a disease that I could do nothing about. Alzheimer's has made me a widow with a living spouse.

Speaker Byrd: New Members, I want to tell you that in 1998, on Election Day, I was out electioneering and politicking; and my father passed away on that day after suffering from Alzheimer's. And on a quiet moment that day, I made a commitment that I would do everything in my power to cure that beast that we call Alzheimer's. And I call on you for your help.

Finally, let me warn the new Members: sometimes when you come to Tallahassee, you can get a bit full of yourself. And when you begin to feel

like you're bigger than life, remember this: there are about 3,000 people in Florida, and 3,000 people in this city who are paid to tell you how smart you are and how good you look. And the sophomores and the juniors will tell you, as you gain seniority you will get better looking and you will become brilliant. [laughter] So remember, remember the real heroes in our country—with the exception of Tom Feeney, maybe—are not in Congress; they are not in this Chamber; they are not in County Center; they're not in City Hall. So stay grounded. The real heroes are the people you represent. And America may have some big social problems. Some people will say we need big government solutions for that. But I can say this, that the average Floridian is asking this question: "What can I do to help? Can I make a difference?" And I believe that one person can make a difference. I think big government is good at some things, but it's not so good at other things. It can't put hope in someone's heart or give purpose to their life. One person can't be everywhere, but they can be somewhere. One person can't help everyone, but they can help someone. And you can't do everything, but you can do something. That's why these folks that we showed on video, that's why they are the embodiment of what makes Florida great and what makes our nation the greatest in the world. So whenever you think you might have lost your compass a little bit, remember people like Lori Yearwood. Remember George Andres. Remember Suan Grant. And before you vote, decide if your vote is going to help them or if you're just going to make government a little bigger, maybe not better. So I can't wait to start the work of the people. Let's get on with the business of the House before we go and have fun and celebrate with our families. So God bless and remember this: the future is bright. [applause]

Election of the Speaker pro tempore

The Speaker announced that nominations would now be received for the Speaker pro tempore of the House of Representatives for a term of two years beginning today.

Rep. Bense nominated the Honorable Lindsay M. Harrington for Speaker pro tempore.

Rep. Bense: I rise to nominate my friend Lindsay Harrington as Speaker pro tempore. Members, I have had the pleasure of knowing Lindsay for a little more than four years. When I came here as a freshman, he offered some excellent advice on how to be a productive Member of the Florida House of Representatives. That advice has served me well over the years.

Like Speaker Byrd, I have been roommates with Lindsay for the past four years. And I will not tell any stories, Lindsay. I can assure you that he walks the walk and he talks the talk, a character trait that is most admirable in these days and times. All of us, I think, sit back and observe other Members. We watch their mannerisms, how they conduct business, and how they work the floor, and so forth. If you ask me to describe Lindsay Harrington, I would have to say, he's like a steady helmsman—steady as she goes. You can always bet that Lindsay has plotted his route and intends to stay the course, even through rough seas.

As a boy in Virginia, he grew up close to Monticello and fancies himself as a student of Thomas Jefferson. And like Jefferson, Lindsay is admired and respected among his peers. In fact, he has taken to heart one of Jefferson's admonitions in a letter he wrote to a family member when he said, "Rigid integrity is the first and most gainful qualification in every profession."

But when I think of my friend Lindsay Harrington, I don't think of him in terms of Jeffersonian government. Rather, I think of him as a loyal servant to the people of his district and to the Florida House of Representatives. It's that loyalty that makes him an excellent choice as Speaker pro tempore. His selfless attitude will allow him to assist Members as they strive to better Florida.

Mr. Speaker, I'm honored to nominate my friend and colleague Lindsay Harrington for the post of Speaker pro tempore. [applause]

Rep. Cantens seconded the nomination of Rep. Lindsay M. Harrington for Speaker pro tempore.

Rep. Cantens: Thank you, Mr. Speaker. Members, I rise to second the nomination of Lindsay Harrington for the position of Speaker pro tempore of the Florida House of Representatives. And like many of you I, too, once wondered what a Speaker pro tempore actually is. So I looked it up in the dictionary and the best that I could define it, I guess, is that a Speaker pro tempore is a Speaker for a period of time or a Speaker appointed for the time being. That seems easy enough, Lindsay, if elected, gets to be Speaker when Speaker Byrd lets him be Speaker. [laughter] I suppose that's somewhat of a simplistic, technical definition of what the Speaker pro tempore might actually be in the Rules. But during these past four years having had the opportunity to first watch Dennis Jones and then Sandy Murman and the dedicated servants that they have been to this Chamber, I've learned that there is more to being a Speaker pro tempore than merely waiting in the bull pen for that call to come in for some late inning relief. The Speaker pro tempore is the heart and soul of this Chamber. Lindsay, I think you're about to become our grandfather. Lindsay will be the one that consoles us; the one that offers encouragement and hope when things are not going too well; the one we turn to for guidance when we are lost. He will be the Member doing things for many of us who will never be able to repay him for what he has done. He will make sure that the business of the House gets accomplished without regard to who will get the credit.

Recently, I had the opportunity of traveling with Lindsay and Debbie, and you learn a great deal from people when you are on the road, especially their shopping habits. The two of you are truly exceptional people. Lindsay, you are a dedicated legislator, a loyal servant to this Chamber and to the institution that is the Florida House of Representatives. I am confident, and a little jealous, that the love and friendship that you have extended to so many of us will now be shared with all. In a time when self-restraint seems to have been replaced with self-aggrandizement, Lindsay Harrington stands tall with humility and eagerness to serve others. He will ensure that civility prevails in this process.

I've heard the term "gentleman" described as one who considers the rights of others before his own feelings and the feelings of others before his own rights. Lindsay, you are a gentleman and who better to fill the role of Speaker pro tempore than you? It is with great honor, Mr. Speaker and Members, that I second the nomination of Lindsay Harrington for the position of Speaker pro tempore. [applause]

Rep. Bendross-Mindingall nominated the Honorable Christopher L. "Chris" Smith for Speaker pro tempore.

Rep. Bendross-Mindingall: Again, thank you, Mr. Speaker. It is indeed my honor and distinct privilege and pleasure to nominate Christopher L. Smith, State Representative, District 93, for Speaker pro tempore for the Florida House of Representatives.

He has served District 93 by participating on several boards, including: Friends of Children and Families, Inc., Broward County United Way, Fort Lauderdale Community Development Corporation, Inc., and the Museum of Science and Discovery. All of these organizations that I have mentioned, stress community or sense of service through volunteerism and participation. It also gives Chris an opportunity to be a voice for those who are underrepresented. Remember, Chris seeks to represent.

As Democratic Co-Floor Leader this past session, he was a brilliant, brilliant presenter. He was one of the highest ranking Democrats in Tallahassee. He is smart, knowledgeable, interprets legislation and has a great sense of humor. His mom, Helen Hinton, his beautiful wife Desorae, and of course, little Chris, are as proud of him as I am. Remember he seeks to serve.

Christopher Smith has what it takes to represent this great House, this great state of Florida. Thus, Mr. Speaker, it gives me great pleasure to nominate this manner of a man, Christopher Smith, as our Speaker pro tempore. Thank you. [applause]

Rep. Gottlieb seconded the nomination of Rep. Christopher L. "Chris" Smith for Speaker pro tempore.

Rep. Gottlieb: Well, I was going to start off by saying what a funny man Representative Chris Smith is, but after your introduction I got nervous about saying anything to that point. But I wanted to say, he is a great family man sitting here with his little boy, Chris, and his wife, Desorae. He sets a great example for the people of the state of Florida.

I was wondering how I got so lucky to introduce Representative Chris Smith, because I'm a Gator and he did go to Florida State. I did find out that he couldn't get into Florida, but he still graduated law school [laughter] and did a great job and is a great lawyer in Broward County, Florida. He's a strong advocate, he's willing to take the stand on issues that not everybody's willing to stand for. He's willing to be an activist in his community and in the state of Florida. And there will be many times this year, as well as years in the past, where he has stood up and has cross-examined testimony and witnesses and Members on their points of view to get his message across. And he's done such a wonderful and articulate job. He's even been willing to stand up for people running for office that not everybody in his hometown thought was the right person. But he did it with class and dignity and he has overcome and he has become a great leader in his community. He's there when you need him and, as a friend to me, he's always there during the off season when I call him and go over issues. And that makes so much of a difference. But most importantly I've been counting the votes here, I have polled the Members, and I have been thinking, "Speaker Johnnie Byrd, Speaker pro tem Chris Smith." What a great team. [laughter] And so, I need to close on that, say power to the people and say let's go for Chris Smith, Speaker pro tem. [applause]

On motion by Rep. Russell, seconded by Rep. Sorensen, nominations ceased and Reps. Harrington and Smith were declared nominees for Speaker pro tempore.

Rep. Smith was recognized for remarks and a motion.

Rep. Smith: Mr. Speaker, as I stand here, I had a speech to talk about bipartisanship, but as I look across the room I see a great example. My first committee, when I was elected in 1998, was the Crime & Punishment Committee. And I sat there next to a great citizen of the State of Florida, Chris Hart. Chris Hart and I sat next to each other as freshmen from two different parties. We spoke about every bill together. These were the times when we were dealing with "three strikes" and the 10-20-Life and Chris Hart and I disagreed on a lot of the issues, but we sat there and we spoke about the issues with each other. We sat there and we exchanged ideas. We sat there and we did amendments to make some of the bills better. That was the spirit of bipartisanship that this House needs in the coming years. So in that same sense of bipartisanship that Representative Hart—a good friend that I hate to see leave and am glad to see here today—and in that spirit of bipartisanship, I move that we suspend the rules for a voice vote and designate by acclamation, Lindsay Harrington, as Speaker pro tem of the Florida House of Representatives. [applause]

On motion by Rep. Smith, the vote for Speaker pro tempore was suspended and, by acclamation, Rep. Lindsay M. Harrington was declared Speaker pro tempore of the House of Representatives.

Committee from the Senate

A committee from the Senate consisting of Senators Klein, Alexander, Argenziano, Bennett, and Hill was received and announced that the Senate was organized.

On motion by Rep. Detert, seconded by Rep. Barreiro, the Speaker appointed Reps. Bean, Attkisson, Jordan, Mayfield, and Kravitz as a committee to escort Speaker pro tempore Harrington and his family to the well.

The Speaker recognized the Speaker pro tempore's wife, Deborah Harrington, daughter Lisa, sister Joan Buchanan and her husband Banks, and friends Col. Tom and Diane D'Andrea.

Oath of Office Administered

Justice Raoul G. Cantero III, Florida Supreme Court, administered the Oath of Office to the Speaker pro tempore.

Presentation of the Speaker pro tempore

The Speaker presented the Honorable Lindsay M. Harrington, Speaker pro tempore.

Remarks by the Speaker pro tempore

Speaker pro tempore Harrington: Mr. Speaker, distinguished guests, and colleagues, it is truly an honor to stand before you today, in gratitude and humility, as newly elected Speaker pro tempore of the House. It's not a position I ever dreamed I would achieve and to say I'm awestruck would be an understatement. Members, thank you for your vote of confidence. I will work hard every day to prove your faith in me is not misplaced.

Representative Bense, Representative Cantens, thank you for your kind words and for presenting me in the best possible light; I hardly recognized myself. [laughter] I truly thank you both for your friendship and your support and your deep commitment to this institution and to Florida.

Speaker Byrd, we met during freshman orientation and became friends, colleagues, and even roommates over the past six years. I have developed a tremendous respect for your integrity, your love of family, your wisdom, and your leadership. Thank you for the privilege of serving at your side. I pledge to you today, before this body and before God, that I will be a faithful servant to you and to all the Members of this House throughout my term of office.

It is appropriate at this moment to recognize the outstanding Member who preceded me in this position: the Honorable Sandra Murman, the first Republican woman elected Speaker pro tempore, who served with a dignity and style I cannot hope to match. She earned the respect and admiration of the entire House and I hope you will join me in thanking her for her service. [applause]

There are so many people who have helped me reach this place: my lovely wife Debbie, a strong and patient partner who never resents my public service, but joins me every term to make this effort a family endeavor; my wonderful daughter Lisa, who is sharing this special time with us today, who brings us such joy with her sweetness and her accomplishments; my son Loren, the systems specialist, who now speaks a language old Dad doesn't get, but has such potential to do great things in his chosen profession; my stepsons, Brian and Chris Stuit, who support this political family with well wishes from afar; my sisters Lynda and Jane, who could not be here today, and Joan, who came down from Richmond with her husband Banks and is here with us—I am so happy you are here. All my sisters survived the torments of a big brother and now live such fulfilled lives. I want to thank our parents, who were not able to make the long trip from Charlottesville, Virginia, and our late grandparents, who taught us all the important things in life; my oldest and dearest friends, Tom and Diane D'Andrea, who have been at my side through good times and bad, always loyal and true, and have managed 13 separate campaigns for me without a single loss. Tom—I want you to know this—Tom is a highly decorated Marine aviator and Korean war veteran. His combat service during two tours in Vietnam culminated as an A-4 squadron commander. I honor Colonel Tom D'Andrea's brave service to our country. [applause] And of course, it's the people of Punta Gorda and my legislative district, whose support and confidence have given me the opportunity for 14 years of public service.

Looking back on my humble beginnings, it's almost inconceivable to me to have been given this honorable position. I often joke about our family being so poor, I played with rocks because we couldn't afford a string ball. We may have been poor in cash—and at times we were—but we were so rich in values instilled at an early age and reinforced by every adult we knew in our community, our church, and our school. I was so fortunate to have parents and grandparents close at hand to teach by word and deed those important life lessons to my sisters and me: honest dealing with all you meet, perseverance in achieving your goals, and lifelong education truly are the keys to success.

My faith taught me that doing the right thing was reward enough in this life, and it has been. And every faith teaches that we should treat

others as we would like to be treated ourselves. This simple rule takes on great importance in this process and is the best lesson you can learn during your time here. Regardless of the beginnings—whether humble, privileged, or somewhere in between—service in this body is a life changing, monumental experience. I urge you to relish this time, absorb all that you can, make friends on both sides of the aisle and in the other chamber, and have fun. Serving the Florida House is exhilarating and exasperating, exhausting and exciting, historic and humorous, but it is never dull. Speaker Byrd and I want to encourage you to take time for your loved ones. We want this House to be a positive experience for your whole family. So draw them into the process and let them share with you this marvelous time of your life.

The people of Florida have given Republicans the opportunities to be agents for change in state government. It is the same opportunity afforded Democrats for more than 100 years. The principles we adopted under Speaker Webster and have applied to this process ever since, I believe have resonated with the people of Florida. They are commonsense, practical maxims that Floridians apply to their everyday lives: lower taxes, less government, personal responsibility, individual freedom, and family empowerment. These five principles will continue to provide the steady rudder to keep this course on our administration.

As a student of history, I know the importance of a loyal opposition presenting alternative views to produce better public policy. The role of the minority in this administration takes on a greater importance than ever before. We understand and honor your responsibility to represent the views of your constituents here in the people's House. Part of my job will be to serve all the Members of the House, just as I serve the Speaker. My door is always open to you. Working together, we can truly make a positive difference for the 16 million Floridians that we serve. Thank you, Speaker Byrd, thank you, Members, for giving me this high honor. May God bless this House, our Speaker, our state and national leaders, and our beloved state of Florida. [applause]

Election of the Clerk

The Speaker announced that nominations would now be received for Clerk of the House of Representatives pursuant to Article III, Section 2, of the Florida Constitution.

Rep. Bowen nominated John B. Phelps for Clerk.

Rep. Bowen: Thank you, Mr. Speaker, for this opportunity and honor to recognize one of Florida's most dedicated citizens.

First, I would like to take a moment to welcome and congratulate all of our newly-elected colleagues. I share in your excitement and am excited by the enthusiasm that each of you brings.

I had the opportunity to speak with one of our new Members who had previously served in the House. We discussed the myriad of changes that have occurred since her term in office. And she was just amazed at all of these changes—new rules of procedure, new committees, new offices, new computers, and this beautiful new chamber. As she said, everything had changed except for one very important matter. There is one institution of this distinguished body that has not changed, and for good reason. There is one man who has been as constant as the Northern Star, one man who brings consistency and a sense of history to our work. I refer, of course, to John Phelps. [applause]

John is the tie that binds so much of what we do here. Mr. Phelps has dedicated his life's work to the effective administration of legislative government. He has served in so many leadership roles for his profession, such as President of the American Society of Legislative Clerks & Secretaries, so many that they are too numerous to list. I invite each of you, especially our newest members, to review John Phelps's resume just to understand the institutional knowledge that he possesses. It truly is amazing. Then again, it is not his resume or number of accreditations and recognitions that will fully underscore his value to our body. You will come to understand in talking to him and watching him work, he is truly amazing. Now let me warn some of you freshmen, Mr. Phelps does have a degree in experimental psychology. He even did research on chimpanzees for NASA, so that in itself makes

him an expert on how to handle a state legislator. [applause] Nevertheless, of the countless individuals you will encounter over the next two years, few will be as valuable a resource as John Phelps.

The first summer, after my first session, I had the opportunity to spend a week here in Tallahassee with John in some one-on-one training for rules of procedure, and I cannot stress to you how valuable that week was to me. And one quote I would like to make to you, "The most called-upon prerequisite of a friend is an accessible ear." John is truly an accessible ear to all of us and has been a tremendous help to so many here. That is why, Mr. Speaker, it is my honor to nominate John B. Phelps, my good friend, the Clerk of the Florida House of Representatives. Thank you. [applause]

Rep. Rich seconded the nomination of John B. Phelps for Clerk.

Rep. Rich: Thank you, Mr. Speaker. It is with great pride and honor that I second the nomination of Mr. Phelps and just to say, as my colleague Representative Bowen has said, we have invested this responsibility in Mr. Phelps many, many countless times before and he has always lived up to the trust that we have placed in him and I am proud to second the nomination. [applause]

On motion by Rep. Kyle, seconded by Rep. Holloway, nominations ceased and a unanimous vote was cast for John B. Phelps as Clerk of the House of Representatives.

John B. Phelps was declared the duly elected Clerk of the House for a term of two years beginning today.

Oath of Office Administered

Justice Raoul G. Cantero III, Florida Supreme Court, administered the Oath of Office to the Clerk.

Remarks by the Clerk

Clerk Phelps: Thank you, Mr. Speaker. Thank you once again for your support. On this happy and historic occasion, it seems fitting to revisit the record of the year 1919, when the House was presided over by George H. Wilder, our last Speaker from Plant City.

The *Journals* from that year show Speaker Wilder's Chamber was faced with serious and painful issues of the sort that one would expect at a time of war. They also show that the House had a lighter side. One such moment occurred when House Resolution 25 was taken up. The resolution read as follows: "Whereas, That it is the duty of the membership of the House of Representatives to vote and otherwise act as intelligent as possible; . . . [laughter] and Whereas, The reading and shaking of newspapers is a menace to the intelligent working of the House; therefore, be it Resolved, That the reading of newspapers by the membership of the House during their attendance upon the sessions of the House be and the same is hereby dispensed with." The resolution failed. [laughter]

And then, Mr. Speaker, in those days having birds in the Chamber was considered by some to be a problem. [laughter] Representative Futch of Alachua County proposed a remedy to this problem when he introduced House Resolution 58, which read as follows: "Whereas, a species of bird known as the English sparrow, has infested the hall of the House of Representatives with nesting, littering and noise; and Whereas, Such birds are interfering with the dignity of the House in the conduct of its business; therefore be it Resolved, That the janitor be instructed to take such steps as will cause all winged birds that have taken the House as an abode and breeding place to seek such elsewhere." Mr. Speaker, you will be pleased to know that the anti-bird resolution also failed. [laughter]

Such moments are always welcome in the House because they lend a quality of humor and humanity to legislative events.

But, Mr. Speaker, on a serious note, it is, I believe, important to remember that each line of the *Journals*, no matter how mundane they may seem, carry with them the divine spark of democracy and some legislator's aspirations for what our state should become. Woven

together, these fragments of political history become the story of Florida.

Mr. Speaker, for your interest in helping better preserve that history, I and all Floridians are deeply grateful. And on this day, as the 81st House begins to add its voice to that history, your Clerk's Office will be there, as always, diligently and quietly striving to see that the record is true and complete. Thank you very much for your support.

Selection of the Sergeant at Arms

The Speaker announced the selection of Earnest W. Sumner as Sergeant of Arms and requested the consent of the House.

Rep. Spratt moved that the House consent to the selection of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

Rep. Spratt: Fellow Members, distinguished guests, for those of you who don't know, Earnie Sumner was born in Quincy. I won't tell you the year. It was a small town, as those of you who do know. He grew up on a small farm outside of there, in Hosford in Liberty County. The oldest of five children, Earnie was taught early in life to work hard and respect the needs of his fellow man, family, and friends. It's a passion of his still today.

In 1965, he served as a page in this House—his first ever opportunity to work in the legislative process. This was during a time period in which his father, E. Amos Sumner, and my father, J. R. "Jack" Spratt, both served as Members of this House. In 1969, he graduated salutatorian of his high school. He went on to attend Tallahassee Community College and Florida State, which we won't hold that against him, us good Gators. But while Earnie was there, in this educational process, he started working for the House. He started in the Sergeant's Office as a Clerk II in the maintenance division. He happened to be one of the youngest men to ever serve as Sergeant at Arms, when he was appointed as an Interim Sergeant in 1976. Then he went on to spend a distinguished 22 years as the Deputy Sergeant of this body. He was appointed to full-time Sergeant in July of 1998.

Married thirty years to his beautiful wife, they have four children, four daughters. Two of them are married, two of who are still at home, three grandchildren. Active in his community on many boards and many organizations, and a dedicated member of his church as a lay leader, as a Sunday school teacher and as an administrator on the administrative council. Earnie also is a secretary and a member of a group called Fortess Ministries, which goes and ministers to prisons and other churches in the southeastern United States. He plays rhythm guitar and he writes music; so he has some talents that some of us weren't aware of. His affiliations include: the National Conference of State Legislatures, he's a member of the Executive Board of the National Legislative Services and Security Association, and was awarded the NCSL Legislative Staff Achievement Award for his excellence in service to the state of Florida, the Florida Legislature, and the National Legislative Services in 2002. A true southern gentleman, a true friend of mine and everyone in this room, ladies and gentlemen, Mr. Speaker, please join me in consent of the appointment for Earnie Sumner as Sergeant at Arms of the Florida House for 2002-2004.

Rep. Bucher seconded the motion that the House consent to the selection of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

Oath of Office Administered

Justice Raoul G. Cantero III, Florida Supreme Court, administered the Oath of Office to the Sergeant at Arms.

Speaker Byrd: Congratulations, Sergeant. Rep. Bucher had some brief words of congratulations she wanted to express to the Sergeant, so you're recognized, Rep. Bucher.

Rep. Bucher: Thank you, Mr. Speaker. Members, most especially new Members, I want to tell you that Sergeant Sumner is one of the most important and influential people you will meet in Tallahassee. Not only does he know where you park your car, he can help you find your

office. And sometimes when they try and silence your mic—as I'm sure many Members, veteran Members here, have wished mine would be silenced at times—he knows how to fix it. So it is with great honor that I stand before you today for Sergeant Sumner. His staff makes us operate efficiently. They keep us safe in this building and they make the functions of the Legislature happen without us even knowing. So, thank you very much, Sergeant Sumner.

Remarks by the Sergeant at Arms

Sergeant Sumner: Thank you, Mr. Speaker. You know, I was trying to think what I might say this morning. I can tell you this, when I went home last night, I was really tired and weary from a long day. When I laid my head down to rest last night, I gave thanks to God for a great day. And as I woke this morning, I gave thanks for another beautiful day and for giving me an opportunity to continue to serve as Sergeant at Arms of the House. I give Him the honor and glory first. Mr. Speaker, Mr. Speaker pro tempore, I thank you for asking me to stay around for two more years and I thank you, Members, for your vote of confidence in me to serve as your Sergeant for the next two years. I commit to you that I will do the very best that I can do. My staff commits themselves to serve you to the fullest of their ability. And I just thank you for this great opportunity. God bless you. Thank you. [applause]

Committee to the Senate

On motion by Rep. Kyle, seconded by Rep. Harrell, the Speaker appointed Reps. Prieguez, Negron, Rubio, Ross, Haridopolos, Paul, Hogan, Baxley, Brown, and Gardiner as a committee to inform the Senate that the House was organized.

Committee to the Governor

On motion by Rep. Bilirakis, seconded by Rep. Baker, the Speaker appointed Reps. Gibson, Evers, Needelman, Pickens, Brummer, Littlefield, Mack, Mealor, and Kottkamp to inform the Governor that the House was organized.

Consideration of HR 1-Org.

By Representative Goodlette—

HR 1-Org.—A resolution establishing the Rules of the House of Representatives of the State of Florida.

Be It Resolved by the House of Representatives of the State of Florida:

That the following Rules shall govern the House of Representatives of the State of Florida for the Organization Session 2002 and thereafter:

THE RULES OF THE FLORIDA HOUSE OF REPRESENTATIVES

RULE ONE LEGISLATIVE ORGANIZATION

1.1—Officers of the House

(a) The officers of the Florida House of Representatives are the following:

- (1) Speaker.
- (2) Speaker pro tempore.
- (3) Majority Leader.
- (4) Majority Whip.
- (5) Minority Leader.
- (6) Clerk.
- (7) Sergeant at Arms.

(b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified Members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the Members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.

(c) The Majority Leader and Majority Whip shall be selected by and serve at the pleasure of the Speaker, and the Minority Leader shall be selected by the Minority Conference.

1.2—Political Party Conferences

Conference rules shall be interpreted and enforced solely by the respective caucuses.

1.3—Standing Committees and Subcommittees

Standing committees and subcommittees of the House are hereby created as follows:

- (a) Committee on Agriculture.
- (b) Committee on Appropriations.
 - (1) Subcommittee on Agriculture & Environment Appropriations.
 - (2) Subcommittee on Commerce & Local Affairs Appropriations.
 - (3) Subcommittee on Education Appropriations.
 - (4) Subcommittee on Health Appropriations.
 - (5) Subcommittee on Human Services Appropriations.
 - (6) Subcommittee on Judicial Appropriations.
 - (7) Subcommittee on Public Safety Appropriations.
- (8) Subcommittee on Transportation & Economic Development Appropriations.
- (c) Committee on Business Regulation.
 - (1) Subcommittee on Energy.
 - (2) Subcommittee on Gaming & Pari-mutuels.
 - (3) Subcommittee on Telecommunications.
 - (4) Subcommittee on Trades, Professions, & Regulated Business.
- (d) Committee on Commerce.
 - (1) Subcommittee on Banking & Securities.
 - (2) Subcommittee on Tourism.
 - (3) Subcommittee on Workforce & Economic Development.
- (e) Committee on Education K-20.
 - (1) Subcommittee on General Education.
 - (2) Subcommittee on Higher Education.
 - (3) Subcommittee on Education Innovation.
 - (4) Subcommittee on Pre-K through 12.
- (f) Committee on The Future of Florida's Families.
 - (1) Subcommittee on Elder Affairs & Long-Term Care.
 - (2) Subcommittee on Children Services.
- (g) Committee on Finance & Tax.
- (h) Committee on Health Care.
 - (1) Subcommittee on Health Services.
 - (2) Subcommittee on Health Standards.
- (i) Committee on Insurance.
 - (1) Subcommittee on Health Access & Financing.
 - (2) Subcommittee on Insurance Regulation.
- (j) Committee on Judiciary.
 - (1) Subcommittee on Claims.

(k) Committee on Local Government & Veteran's Affairs.

- (1) Subcommittee on Local Affairs.
- (2) Subcommittee on Veteran's & Military Affairs.
 - (1) Committee on Natural Resources.
 - (1) Subcommittee on Environmental Regulation.
 - (2) Subcommittee on Public Lands & Water Resources.
- (m) Committee on Procedures.
 - (1) Subcommittee on Ethics & Elections.
 - (2) Subcommittee on Rules.
- (n) Committee on Public Safety & Crime Prevention.
 - (1) Subcommittee on Corrections.
 - (2) Subcommittee on Criminal Justice.
 - (3) Subcommittee on Juvenile Justice.
- (o) Committee on State Administration.
- (p) Committee on Transportation.
 - (1) Subcommittee on Highway Safety.
 - (2) Subcommittee on Transportation System.

1.4—Qualifications and Elections of Members

(a) As specified in Section 2 of Article III of the Florida Constitution, the House is the sole judge of the qualifications, elections, and returns of its Members.

(b) In cases of contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must have been received by the Clerk not less than 5 days before the Organization Session of the Legislature. No motion to disqualify a Member shall be in order at the Organization Session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must be received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must be on the next legislative day following the receipt of certified election results. Any contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate committee. The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible. Upon receipt of the committee report, the House shall with all dispatch, upon motion, determine the contest by a majority vote.

RULE TWO

DUTIES AND RIGHTS OF THE SPEAKER

2.1—Speaker to Enforce Rules; Questions of Order

(a) The Speaker shall enforce, apply, and interpret the Rules of the House in all deliberations.

(b) All questions of order shall be presented to the Speaker for determination. The Speaker may require the Member raising a point of order to cite the Rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Chair of the Subcommittee on Rules for a recommendation to the House. Any decision of the Speaker on a point of order is subject to an appeal to the House made timely and separately by any five Members. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House or refer the appeal to the Subcommittee on Rules for a recommendation to the House. No Member may speak more than once, for not more than 5 minutes, on an appeal unless given leave by the House by majority vote. Responses to parliamentary inquiries and decisions of recognition made by the Speaker may not be appealed.

2.2—Speaker to Bring Business Before the House

The Speaker shall lay all business before the House, reserve times for the committee and subcommittee meetings in compliance with these Rules, and receive motions made by Members and put them to the House.

2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House

The Speaker shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, lobby, galleries, and rooms of the House whether in the Capitol or elsewhere. If there is a disturbance, the Speaker may order the area cleared or direct any other action to preserve order and decorum.

2.4—Appointment of Temporary Presiding Officer

The Speaker may appoint any Member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during the Speaker's absence. However, if the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Subcommittee on Rules shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another Member to perform such duties.

2.5—Appointments of Liaisons

The Speaker may at any time designate a member or members to serve as liaison of the Speaker for the purpose of agency oversight or development of legislative policy.

2.6—House Employees Serve at the Pleasure of the Speaker

The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All employees work for and serve at the pleasure of the Speaker. The Speaker has the right to dismiss any employee of the House without cause, and the pay of such employee shall stop on the designated day of dismissal.

2.7—Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign papers authorizing payments and other papers of an administrative nature.

(b) The Speaker may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a committee of the House, a Member of the House (whether in the legal capacity of Member or taxpayer), a former Member of the House, or an officer, employee, or agent of the House when the Speaker determines that such suit is of significant interest to the House and that the interest of the House would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

**RULE THREE
MEMBERS**

3.1—Disclosures of Interest and Disqualification from Voting

(a) No Member may vote on any measure that the Member knows or believes would inure to the Member's special private gain. The Member must disclose the nature of the interest for which the Member is required to refrain from voting. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the Journal if the vote is taken on the floor. If the vote is taken in a committee, the memorandum shall be filed with the committee administrative assistant, who shall attach such memorandum to the committee report.

(b) A Member, when voting on any measure that the Member knows or believes would inure to the special private gain of a family member of the Member, or to the special private gain of any principal by whom

the Member or a family member of the Member is retained or employed, must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done promptly by filing a memorandum with the Clerk, which shall be printed in the Journal if the vote is taken on the floor. If the vote is taken in a committee, the memorandum shall be filed promptly with the committee administrative assistant, who shall attach such memorandum to the committee report. For the purpose of this Rule, family members include the Member's spouse, parents, and children.

3.2—Attendance Upon Meetings Required

A Member shall attend all meetings of committees and subcommittees to which appointed, unless excused by the Chair or by the Speaker. Excuse from House session shall constitute excuse from that day's meetings. Failure to attend two consecutive committee or subcommittee meetings, unless excused, shall be reported by the Chair to the Speaker.

3.3—Attendance at Sessions

A Member may not be absent from the sessions of the House without approval from the Speaker. Upon written request of a Member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the Member from attendance for any stated period. It shall be the responsibility of the excused Member to advise the Clerk when leaving and returning to the Chamber.

3.4—Members Presumed Present Unless Excused or Necessarily Prevented; Failure to Answer Roll Call

(a) Any Member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the Member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a Member was necessarily prevented.

(b) Any Member who is present and who fails or refuses to record on a roll call after being requested to do so by the Speaker shall be recorded as present by the Speaker and shall be counted for the purpose of making a quorum.

3.5—Possession of Bills

No Member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

3.6—Open Meetings

(a) Subject to order and decorum, each Member shall provide reasonable access to members of the public to any meeting between such Member and more than one other Member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that the Member knows prohibits admission on the basis of race, religion, gender, national origin, physical handicap, or similar classification.

(b) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this Rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk. An amendment shall be considered pending if it has been delivered to the administrative assistant of a committee in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each committee of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee or subcommittee of either house, on final passage or on a motion other than a motion to adjourn or recess.

RULE FOUR
DUTIES OF THE CLERK AND EMPLOYEES

4.1—Clerk

(a) The House of Representatives shall designate a Clerk to serve at its pleasure. The Clerk shall:

- (1) Be the custodian of all bills, resolutions, and memorials.
- (2) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number, the author, a brief description of the subject matter, and each committee reference.
- (3) Keep a correct journal of proceedings of the House. The Journal shall be numbered serially and published from the first day of each session of the Legislature.
- (4) Superintend the engrossing and transmitting of bills, resolutions, and memorials and approve the enrolling of all House bills.
- (5) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt.
- (6) Publish Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its committees.
- (7) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the sponsor, the obligation of the Clerk shall end.
- (8) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.
- (b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all bills, resolutions, and memorials.

4.2—Employees Forbidden to Lobby; Restriction on Employee Campaign Activities

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill without direction from a Member with authority over the designated staff member. An employee may, on behalf of a Member, present a bill in committee in the Member's absence only with the Member's prior written direction. An employee shall not exhibit an improper interest in or concern with any bill.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

RULE FIVE
FORM AND INTRODUCTION OF BILLS

5.1—"Bill" Stands for All Legislation

Except when the context otherwise indicates, "bill," as used in these Rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a committee may be required to report.

5.2—Filing Deadlines

(a) No general bill, local bill originating in the House, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), or memorial originating in the House shall be given first reading unless filed for introduction no later than noon of the first day of the regular session.

(b) Bills, resolutions, and memorials introduced by committees are exempt from the requirements of this Rule.

5.3—Limitation on Member Bills Filed

(a) A Member may not file more than six bills for a regular session. For purposes of this Rule, the Member considered to have filed a bill is the first-named sponsor of the bill. Bills that have been withdrawn from further consideration prior to the filing deadline shall not be considered filed.

(b) Bills not counted toward these limits include:

- (1) Local bills.
- (2) Claim bills.
- (3) House resolutions.
- (4) Memorials.
- (5) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
- (6) Trust fund bills adhering to another bill.
- (7) Public records or public meetings exemption bills adhering to another bill.
- (8) Joint resolutions adhering to a general bill.
- (9) Bills introduced by a committee under Rule 7.23.
- (10) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

5.4—Forms of Measures

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker. Members desiring to be cosponsors must file a cosponsor form to be agreed to by the first-named sponsor.

(b) No Member may be added or deleted as a sponsor or cosponsor of a bill without the Member's consent on forms approved by the Clerk.

(c) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted, but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the affected section of the bill: "Substantial rewording of section. See s. . . ., F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catchlines of existing text shall not be underlined, nor shall any other portion of a bill covered by this Rule other than new material.

5.5—Local Bills

(a) If the Committee on Local Government & Veteran Affairs determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee shall not report the bill. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee may report the local bill.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

5.6—Claim Bills

(a) Claim bills may be referred by the Speaker to any committee for consideration. The Speaker may appoint a Special Master to conduct a hearing. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any committee of reference.

(b) Stipulations entered by the parties are not binding on the Special Master or the House or its committees.

(c) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted, except that the hearing and consideration of a claim that is still within the judicial or administrative system may proceed when the parties have executed a written settlement agreement.

5.7—Reviser's Bills

(a) Reviser's bills are nonsubstantive bills initiated by the Office of Legislative Services pursuant to section 11.242, Florida Statutes, for any of the following purposes:

- (1) To reduce the number and bulk of the statutes.
- (2) To remove inconsistencies and redundancies in the statutes.
- (3) To improve the clarity and facilitate the correct and proper interpretation of the statutes.

(b) Reviser's bills shall be prepared by the Subcommittee on Rules, which may request prior review by another substantive committee. They shall be filed by the Committee on Procedures as soon as possible prior to or during each legislative session. Reviser's bills may be amended only by making deletions.

5.8—Memorials

A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

5.9—House Resolutions and Concurrent Resolutions, and Tributes

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:". In the case of concurrent resolutions originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, actions taken pursuant to federal law not requiring gubernatorial approval, or other exclusively legislative matters.

(b) All resolutions shall be reviewed and approved by the Chair of the Subcommittee on Rules before introduction.

(c) Copies of House resolutions shall be furnished by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

(d) Any matter commemorating local achievement, condolences, or other recognition shall be prepared by House Bill Drafting Service as an individual tribute for the Member sponsoring the measure.

5.10—Prefiled Bills

During the period between the Organization Session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium, Members may file for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

5.11—Requirements for Introduction

(a) All bills (other than a General Appropriations Bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing.

(b) The Director of the House Bill Drafting Service shall notify any Member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

5.12—Identification

All bills shall be given a number and filed on behalf of a Member by the House Bill Drafting Service. Bills shall be serially numbered, in an odd-numbered sequence, except that bills of a similar type may be serially numbered separately. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor. Any device used for such validation shall be used by and at all times shall be in the secure custody of the Clerk, and its use by any person not authorized by this Rule shall be prohibited.

5.13—Companion Measures

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading, otherwise the motion shall be to waive the Rules by two-thirds vote of the Members present and voting and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled. Recommitment of a House bill shall automatically carry with it any Senate companion bill then on the Calendar of the House.

RULE SIX REFERENCE

6.1—Speaker to Refer Legislation

The authority to make bill referrals rests with the Speaker, except as otherwise provided in these Rules.

6.2—Reference: Generally

(a) Bills, upon prefiling or introduction, whether House or Senate, may be referred by the Speaker to one or more committees or subcommittees or to the Calendar of the House. The order of reference shall be determined by the Speaker.

(b) References of bills and the nature of any documents referred shall be recorded in the Journal.

6.3—Reference: Exception; Additional or New References

(a) All bills, whether House or Senate, may be referred by the Speaker to the appropriate committees and subcommittees. A Senate

bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with an amendment, the Speaker may redetermine reference of the bill.

(c) If after a bill is placed on Calendar, any amendment is filed, the Speaker may recommit the bill to a committee or subcommittee of reference or may otherwise redetermine reference of the bill.

6.4—Reference of Resolutions, Concurrent Resolutions: Exception
Resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference. Resolutions or concurrent resolutions of a substantive nature, as authorized under Rule 5.9, may first be referred to appropriate committees or subcommittees.

6.5—Reference of Appropriations or Tax Measures; General Appropriations and Implementing Bills

Except as provided in Rule 6.2, all bills carrying or affecting appropriations or tax matters shall be referred to an appropriate fiscal committee or subcommittee. If an amendment adopted on the floor of the House affects an appropriation or a tax matter, the Speaker, upon motion made by the Chair of the Appropriations Committee, or the Chair of the Procedures Committee or the Majority Whip in the absence of the Chair, shall refer the bill with the amendment to the Appropriations Committee, unless the amendment is the substance of a bill which has been reported favorably by the Appropriations Committee. If the bill, as amended, is reported favorably, it shall be returned to the same reading as when referred.

6.6—Reference of Veto Messages

The Speaker may refer veto messages to the appropriate committees for recommendations.

RULE SEVEN

COMMITTEES—ORGANIZATION, MEETINGS, AND OVERSIGHT

Part One—Organization

7.1—Standing Committee Appointments

(a) The Speaker shall appoint the Chair, the Vice Chair, and any Co-Chairs deemed necessary for each standing House committee and subcommittee and shall also appoint the remaining membership of each such committee and subcommittee. The Speaker shall give notice of each such appointment in writing to the Clerk for publication.

(b) If the need arises, the Speaker may appoint a temporary Chair for any standing committee or subcommittee.

(c) All standing committee or subcommittee Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(d) All standing committee and subcommittee appointments shall be made by the Speaker prior to the convening of each regular session and shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment sine die of such session.

7.2—Appointment of Select Committees

The Speaker may at any time create a select committee or select subcommittee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee may include the entire membership of the House. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified by the Speaker. A select committee has the powers granted by these Rules to a standing committee except as limited by the Speaker. The Speaker shall give notice of the creation of a select committee or select subcommittee in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

7.3—Ex Officio Members

The Speaker may designate the Speaker pro tempore or the Majority Whip as an ex officio, voting member of any standing committee. No

standing committee may have more than one ex officio member voting at any one time. For the purpose of a quorum, an ex officio member shall not be included in the membership of a committee. The Speaker shall give notice of the designation of any such ex officio member in writing to the Member so designated and to the committee Chair. The Speaker may designate the Chair of the parent committee, ex officio, as an additional voting member of a subcommittee. However, for the purpose of a quorum, the parent committee Chair shall not be included in the membership of a subcommittee.

Part Two—Meetings; Powers, Duties, and Procedure

7.4—Powers of the Chair

(a) The committee or subcommittee Chair shall sign all notices, vouchers, or reports required or permitted by these Rules. The committee Chair shall sign all subpoenas as provided in Rule 16.1. Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure an efficient operation of the committee or subcommittee, including, but not limited to, presiding over the committee or subcommittee, establishing the agenda for the committee or subcommittee, recognition of members or presenters, deciding all questions of order in committee or subcommittee, and determining the order in which matters are considered in committee or subcommittee. There shall be no appeal from the Chair's recognition, but the Chair shall be governed by the Rules and usage in priority of entertaining motions.

(b) Questions of order are subject to an appeal. Such appeal shall be made during the committee meeting and shall be submitted in writing to the Chair signed by at least two members of the committee or subcommittee prior to 4:30 p.m. of the next business day. The appeal shall be certified by the Chair to the House for timely action by the Speaker following such certification. The Speaker may refer an appeal to the Chair of the Subcommittee on Rules for a recommendation. The ruling of the Speaker shall be entered in the Journal and shall be subject to appeal as any other question. The Chair may, on or majority vote of the committee or subcommittee shall, certify a question of parliamentary procedure to the Speaker as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification of an appeal or of a question of parliamentary procedure pursuant to this Rule does not constitute an automatic stay to further legislative action on the measure under consideration.

7.5—Absence of the Chair

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume those duties instead.

7.6—Meetings of Committees and Subcommittees

Committees and subcommittees shall meet at the call of the committee Chair, within the dates, times, and locations designated by the Speaker. Meeting beyond the designated time shall be allowed only with special leave granted by the Speaker. A committee or subcommittee may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting with the Speaker's approval and if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled committee or subcommittee meeting.

7.7—Time for Meetings

No committee or subcommittee meeting shall begin before 8 a.m. or last beyond 6 p.m., unless granted special leave by the Speaker.

7.8—Committees and Subcommittees Meeting During House Session

No committee or subcommittee shall meet while the House is in session without the consent of the House, except the Subcommittee on Rules, when meeting to consider matters other than legislation, and conference committees.

7.9—Consideration of Bills, Including Proposed Committee Bills

(a) The Chair of any committee or subcommittee shall give prior notice in writing of the intention to take up any bill or proposed bill. The Chair of any committee or subcommittee may remove any item from an agenda at any time by filing an amended notice prior to commencement of the meeting.

(b) Proposed committee bills (PCBs) shall be treated as other bills in meeting the requirements for notice under Rules 7.10-7.12. Each PCB shall be available to each committee member no later than the time of posting of notice. A PCB taken up without the committee conforming to this Rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the committee at which the requirements of this Rule have been met.

(c) Before a standing committee may consider a proposed committee bill, the Speaker must approve the consideration by the committee of the proposed bill.

7.10—Meetings of Committees and Subcommittees: Time Required for Advance Notice

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a committee or subcommittee meeting for the purpose of considering legislation. If the notice is given by 4:30 p.m., a bill or proposed bill may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended or special session, the notice shall be given at least 1 day in advance of the committee or subcommittee meeting.

(b) If a committee or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be posted.

(c) Except when meeting to consider the substance of legislation, the Subcommittee on Rules shall be exempt from the requirements of this Rule.

7.11—Nature and Distribution of Notice

(a) A notice shall include a listing and sufficient title for identification of any and all bills or proposed bills to be considered by the committee or subcommittee holding the meeting, including, time permitting, those pending on reconsideration. However, failure to include a bill pending on reconsideration in the notice does not preclude the motion to reconsider from being made as provided under Rule 7.13(b).

(b) A notice shall state the date, time, and place of a meeting. The first-named sponsor and the members of the committee or subcommittee shall be provided separate notice.

(c) Whenever timely, such notices shall be included in the Calendar of the House.

7.12—Notices of Meetings Between Sessions

During the period when the Legislature is not in session, before any committee or subcommittee holds a meeting for the purpose of considering a prefiled bill or a proposed committee bill (PCB), a notice of such meeting shall be filed no later than 7 calendar days before the Friday preceding the week of the meeting. If a committee or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed. The committee administrative assistant shall send copies of the notice to the members of the committee or subcommittee and to the first-named sponsor of the bill. This notice shall state the date, time, and place of the meeting, the bill number, and a portion of the title sufficient for identification. Whenever timely, the Clerk shall enter such notices in an Interim Calendar. When two meetings have been scheduled by a committee or subcommittee during a 30-day period when the Legislature is not in session, the committee Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

7.13—Reconsideration in Committee or Subcommittee

The Rules of the House shall govern proceedings in committee or subcommittee insofar as they are applicable, except that a motion for reconsideration shall be treated in the following manner:

(a) When a main question has been decided by a committee or subcommittee, any member voting with the prevailing side, or any member when the vote was a tie or by voice, may move for reconsideration.

(b) Without recognition, a member voting on the prevailing side on passage or defeat of a bill may, as a matter of right, order the bill to be retained through the next committee or subcommittee meeting for the purpose of reconsideration. Such an order of an individual member may be set aside by adoption of a motion to report the bill immediately, which shall require a two-thirds vote of the members present and voting. No bill may be ordered retained after the 40th day of a regular session or during an extended or special session.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If the committee or subcommittee refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the committee or subcommittee members present.

(e) If a bill is not directed to be retained, the committee administrative assistant shall promptly report the bill.

7.14—Open Meetings; Decorum

(a) All meetings of all committees and subcommittees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum; however, when reasonably necessary for security purposes or the protection of a witness, a Chair, with the concurrence of the Speaker and the Minority Leader, may close a committee or subcommittee meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee or subcommittee.

(b) The Chair shall exercise all authority necessary to maintain order and decorum, including the authority to require all persons attending a committee or subcommittee meeting to silence all telephones, audible beepers, and other audible electronic equipment.

7.15—Unfavorable Reports

(a) A bill reported unfavorably by a committee shall be laid on the table. A bill so reported may be taken from the table upon the motion of any Member on the floor, adopted by a two-thirds vote of the Members present and voting, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

(b) A bill reported unfavorably by a subcommittee shall appear on the agenda for the next meeting of the parent committee following the unfavorable vote of the subcommittee, consistent with time and notice requirements. A bill reported unfavorably by a subcommittee shall be laid upon the table and shall be reported unfavorably following the next meeting of the parent committee after the unfavorable report of the subcommittee, unless a member of the parent committee, at such meeting, makes a motion, which shall be decided without debate, to take the bill from the table. A two-thirds majority vote of the membership of the parent committee shall be required to take the bill from the table. If the bill that previously had been reported unfavorably by a subcommittee is taken from the table, the parent committee shall take up the bill with debate limited to members of the committee and the sponsor. However, by a two-thirds majority vote of the members of the parent committee, the bill may receive a hearing de novo and witnesses shall be permitted to testify.

7.16—Voting in Committee

A majority of the members of a committee or subcommittee present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the

committee or subcommittee. (Florida Constitution, Article III, Section 4(c): "In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.")

7.17—Proxy Voting Prohibited; Votes Recorded After Roll Call

A member of a committee or subcommittee may not, under any circumstance, vote by proxy. Absent members may have recorded an indication of how they would have voted if present, but this shall not be counted on a roll call.

7.18—Quorum Required

A committee or subcommittee may not file a report unless the committee or subcommittee has met at an authorized time and place, with a quorum present. A majority of the membership of the committee or subcommittee shall constitute a quorum. Only those members present may vote on any matter. A committee or subcommittee may conduct a workshop with or without a quorum.

7.19—Nature and Contents of Committee and Subcommittee Reports

(a) It shall be the duty of committees and subcommittees to report bills either favorably, favorably with a committee substitute, or unfavorably, but never without recommendation. A motion to lay a bill on the table shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a committee or subcommittee must contain the action of the committee or subcommittee on the bill being transmitted, together with a Committee or Subcommittee Information Record stating:

- (1) The time and place of the meeting at which the action was taken;
- (2) The name and address of each person appearing before the committee or subcommittee relative to the measure and, if an agent, the interest represented; and
- (3) The vote of each member of the committee or subcommittee on the motion to report each bill.

(c) Each report by a committee or subcommittee shall set forth the identifying number of the bill, and, if a committee substitute is proposed by the committee or subcommittee, the words "with amendment" shall follow the identifying number. For the purpose of documentation, committees and subcommittees shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the committee or subcommittee action noted thereon.

(d) Committees and subcommittees shall, after consideration of prefiled bills, report their actions promptly, in the manner prescribed by these Rules.

7.20—Minority Reports

Minority reports on any matter may be published in the Journal only by majority vote of the House.

7.21—Fiscal Analysis

All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by a fiscal standing committee. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill analysis that accompanies the bill, which statement shall be made available to Members. The fiscal analysis portion of the bill analysis shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects. If any bill of this nature is reported favorably by any fiscal standing committee without a fiscal analysis having been prepared, it shall be the right of any Member to raise a point of order on second reading and the Speaker may, in the Speaker's discretion, order return of the bill to the appropriate fiscal committee. The accuracy of a fiscal analysis shall not be a basis for a

point of order under these Rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

7.22—Committee and Subcommittee Amendments

(a) Committees and subcommittees may only consider amendments presented in final written form prior to adoption.

(b) Any Member may offer an amendment to a bill being considered by any committee or subcommittee of the House and shall be recognized to introduce and close on the amendment. If not appointed to the committee or subcommittee, a Member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such Member is not present, the amendment may still be considered, but only if taken up and offered by a Member who is appointed to the committee or subcommittee.

(c) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a committee or subcommittee by nonappointed Members shall be 5 p.m., 1 day (excluding Saturday and Sunday) in advance of the committee or subcommittee meeting. After the 45th day and during any extended or special session, such amendments shall be filed 2 hours before the committee or subcommittee meeting. Amendments introduced by committee or subcommittee members, including ex officio members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(d) Committees shall propose revisions to a bill only in the form of a single amendment. The amendment shall be made up of the text of the bill with recommended changes engrossed. Such a measure shall be known as a committee substitute and shall be treated as the bill. A committee of later reference shall address itself for purposes of amendment to the most recently adopted committee substitute, if one accompanies the pending measure. An earlier committee substitute shall be laid on the table upon adoption of a committee substitute by a later committee of reference.

7.23—Committee Bills; Designation of Cosponsors

A committee, in introducing a committee bill, shall submit a Committee Information Record. In introducing a committee bill, the Chair shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval.

Part Three—Conference Committees

7.24—Conference Committee Meetings; Procedures

(a) Meetings of conference committees shall be open to the public at all times, subject to the authority of the Chair to maintain order and decorum. Once appointed, the conference committee shall determine its procedures.

(b) The Chair of any conference committee shall give notice at least 2 hours prior to the meeting and after the 50th day 1 hour notice of intention to meet.

7.25—Composition of Conference Committee

(a) A conference committee shall consist of managers from each house. The Speaker shall appoint the House managers of all conference committees. The Speaker shall determine the number as need appears and shall appoint no less than a majority who generally supported the House position as determined by the Speaker. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair thereof.

(b) The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house.

7.26—Presentation of Conference Committee Report

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that time.

(2) The next vote shall be on acceptance or rejection of the report as an entirety. The report must be acted upon as a whole, being agreed to or disagreed to in its entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

7.27—Form of Conference Committee Report

(a) When a conference committee has redrafted a bill, the committee shall report an amendment removing everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, to inform the House of the effect of the report on the measure to which it relates.

7.28—Time Restraints on Conference Committees

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

7.29—When Managers Are Unable to Agree

When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

Part Four—Oversight Responsibilities and Powers

7.30—Oversight Powers and Responsibilities of Committees and Subcommittees

(a) Committees and subcommittees are authorized:

(1) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;

(2) To invite public officials, public employees, and private individuals to appear before the committees or subcommittees to submit information;

(3) To request reports from departments performing functions reasonably related to the committees' jurisdictions;

(4) To complete the interim projects assigned by the Speaker; and

(5) To conduct such other business as directed by the Speaker.

(b) In order to carry out its duties, each committee or subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(c) In order to carry out the duties of the committee and its subcommittees, the Chair of each committee may issue subpoenas, subpoenas duces tecum, as provided in Rule 16.1, and other necessary process to compel the attendance of witnesses either before the committee or subcommittee or at deposition and the production of any books, letters, or other documentary evidence required by such committee. Any member of a committee or subcommittee may

administer all oaths and affirmations, in a manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

RULE EIGHT CHAMBER PROTOCOL

Part One—Privilege of the Floor

8.1—Privilege of the Floor

(a) Only present Members of the House and of the Senate, and contestants in election cases during the pendency of their cases in the House, shall be admitted during regular daily sessions to the Chamber of the House. The Governor, the Lieutenant Governor, Cabinet Members, Justices of the Supreme Court, Members of Congress, visiting dignitaries, official guests, and former Members of the Legislature who are not interested in any claim or directly in any bill pending before the Legislature, may be granted the privilege of the floor by the Speaker. Employees of the House may be admitted to the Chamber as determined by the Speaker. Persons granted the privilege of the floor may not lobby the Members while the House is in session, unless by motion granted leave to address the House.

(b) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

Part Two—Speaking

8.2—Addressing the House; Requirements to Spread Remarks Upon the Journal

(a) When a Member desires to speak or deliver any matter to the House, the Member shall rise and respectfully address the Speaker as "Mr. (or Madam) Speaker" and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a Member may speak from the Member's desk or may, with the Speaker's permission, speak from the well.

(b) Any motion to spread remarks upon the Journal, except those of the Governor or the Speaker, shall be referred to the Chair of the Subcommittee on Rules for recommendation before being put to the House.

8.3—When Two Members Rise at Once

When two or more Members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

8.4—Recognition of Members

There shall be no appeal from the Speaker's recognition, but the Speaker shall be governed by the Rules and usage in priority of entertaining motions from the floor. When a Member seeks recognition, the Speaker may ask, "For what purpose does the Member rise?" or "For what purpose does the Member seek recognition?"

8.5—Recognition of Gallery Visitors and Physician of the Day

On written request by a Member, on a form prescribed by the Subcommittee on Rules, the Speaker may recognize or permit the Member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

Part Three—Debate

8.6—Decorum

The Members shall attend to the debates unless necessarily prevented, and a Member shall not stand between the Speaker and a Member recognized to speak.

8.7—Speaking and Debate

(a) A Member may not speak more than once or occupy more than 15 minutes in debate on any question. A Member who has the floor may not be interrupted by another Member for any purpose, save the privilege of the House, unless he or she consents to yield to the other Member. A

Member desiring to interrupt another in debate should first address the Speaker for the permission of the Member speaking. The Speaker shall then ask the Member who has the floor if he or she wishes to yield, and then announce the decision of that Member. Whether to yield shall be entirely within the speaking Member's discretion. However, this subsection shall not deprive the sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

(b) Debate may not be disguised in the form of a question, but questions may be asked on second reading or with respect to an amendment offered on third reading.

8.8—Right to Open and Close Debate

The mover of any proposition, or the Member reporting any measure from a committee or subcommittee, or, in the absence of either of them, any other Member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time up to 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in Rule 8.7(a).

Part Four—Materials and Meals in Chamber

8.9—Distribution of Materials in Chamber; Newspapers; Meals in Chamber

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms' Office and pages:

(1) All material prior to such distribution must be approved by the Chair of the Subcommittee on Rules.

(2) The following official materials are approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; committee and subcommittee meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or subcommittees or of the majority or minority parties.

(b) Meals will not be allowed on the floor without concurrence of the Members present and voting. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

Part Five—Miscellaneous Papers

8.10—Miscellaneous Papers

Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the Journal, or filed with the appropriate committee. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any Member, it shall be determined without debate by the House by majority vote.

RULE NINE VOTING

9.1—Members Shall Vote

Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

9.2—Taking the Yeas and Nays

The Speaker shall declare all votes, but if any Member rises to doubt a vote, upon a showing of hands by five Members, the Speaker shall take the sense of the House by oral roll call or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used and when so used shall have the force and effect of a roll call taken as provided in these Rules. This system likewise may be used to determine the presence of a quorum. When the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, "The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote." When sufficient time has elapsed for each Member to vote, the Speaker shall ask, "Have all Members voted?" After

a short pause the Speaker shall say, "The Clerk will lock the machine and record the vote." When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the Journal.

9.3—Vote of the Speaker or Temporary Presiding Officer

The Speaker or temporary presiding officer is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's or temporary presiding officer's vote would be decisive. In all yeas and nays votes, the Speaker's or temporary presiding officer's name shall be called last. With respect to voting, the Speaker or temporary presiding officer is subject to the same disqualification and disclosure requirements as any other Member.

9.4—Votes After Roll Call

After the result of a roll call has been announced, a Member may advise the Clerk of how the Member would have voted or would have voted differently. The Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the Journal. Otherwise, the request shall be shown separately in the Journal. In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any bill be changed.

9.5—No Member to Vote for Another Except by Request

No Member may vote for another Member except at the other Member's request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a Member cast a vote for a Member. In no case shall a Member vote for another on a quorum call. Any Member who votes or attempts to vote for another Member in violation of this Rule may be punished in such a manner as the House may deem proper. Any person who is not a Member and who votes wrongfully in the place of a Member shall be excluded from the Chamber for the remainder of the session, in addition to such punishment as the House may deem proper.

9.6—Explanation of Vote

A Member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words in an electronic format, and upon filing with the Clerk, this explanation shall be spread upon the Journal.

RULE TEN ORDER OF BUSINESS AND CALENDARS

Part One—Order of Business

10.1—Daily Sessions

The House shall meet each legislative day at a time determined by the Speaker or as stated in the motion adjourning the House on the prior legislative day on which the House met.

10.2—Daily Order of Business

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order.
2. Prayer.
3. Roll Call.
4. Pledge of Allegiance.
5. Correction of the Journal.
6. Communications.
7. Messages from the Senate.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Motions Relating to Committee References.
11. Matters on Reconsideration.

12. Bills and Joint Resolutions on Third Reading.
13. Special Orders.
14. House Resolutions.
15. Unfinished Business.
16. Introduction and Reference.

(b) During special sessions, the order of business of Introduction and Reference shall be conducted immediately following the order of business of Correction of the Journal.

(c) By majority vote of the Members present, the House may on motion of the Chair of the Committee on Procedures or the Chair of the Subcommittee on Rules move to any order of business. The motion may provide which matter on such order of business may be considered.

10.3—Chaplain to Offer Prayer

A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

10.4—Quorum

A majority of the membership of the House shall constitute a quorum to conduct business.

10.5—Consideration of Senate Messages; Generally

Senate messages may be considered by the House at the time and in the order determined by the Speaker.

Part Two—Readings

10.6—"Reading" Defined

"Reading" means the stage of consideration of a bill, resolution, or memorial after reading of a portion of the title sufficient for identification, as determined by the Speaker.

10.7—Reading of Bills and Joint Resolutions

Each bill and each joint resolution shall receive three readings on 3 separate days prior to a vote upon final passage unless two-thirds of the Members decide otherwise. The publication of a bill or joint resolution by its title in the Journal shall satisfy the requirements of first reading.

10.8—Reading of Concurrent Resolutions and Memorials

Concurrent resolutions and memorials shall receive two readings on 2 separate days prior to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters authorized under Rule 5.9 may be read twice without motion on the same legislative day.

10.9—Reading of House Resolutions

A House resolution shall receive two readings by title only prior to a voice vote upon adoption, except that ceremonial resolutions may be shown as read and adopted by publication in full in the Journal in accordance with Rule 10.18.

10.10—Measures on Third Reading

(a) Except upon motion of the Chair of the Subcommittee on Rules and adopted by majority vote, bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

10.11—Measures on Final Passage

No bill shall be considered for a vote on passage on the day it is amended or on the next succeeding calendar day. Technical amendments drafted by House Bill Drafting and offered in the name of the Subcommittee on Rules shall not delay a vote on passage.

Part Three—Bills Subject to Special Rule

10.12—Bills Subject to Special Rule

(a) The Subcommittee on Rules may by majority vote recommend that any bill be subject to a Special Rule created by the subcommittee. The Subcommittee on Rules shall submit the recommendation to the House for its approval.

(b) A Special Rule may not limit or prohibit the offering of amendments, but may prescribe the time and conditions of debate, may govern floor action on both second and third readings, or may contain any other provisions deemed appropriate.

(c) A specific provision in a Special Rule is controlling over a conflicting provision of these Rules.

Part Four—Calendars

10.13—Special Order Calendar

(a) REGULAR SESSION.

(1) The Subcommittee on Rules shall periodically submit, as needed, a Special Order Calendar determining the sequence for consideration of legislation. The Special Order Calendar may include bills on second reading, bills on third reading, resolutions, and specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a majority vote of the Members present and voting or any bill may be added to it pursuant to Rule 10.14. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee or Member may apply to the Chair of the Subcommittee on Rules to place a bill on the Special Order Calendar. The Subcommittee on Rules may grant such requests by a majority vote.

(3) During the regular session, the Special Order Calendar shall be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar.

(b) EXTENDED OR SPECIAL SESSION.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Committee on Procedures.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Committee on Procedures.

(3) During any extended or special session, the Subcommittee on Rules shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

10.14—Consideration of Bills Not on Special Order

A bill not included on the Special Order Calendar may be considered by the House upon two-thirds vote of the Members present and voting.

10.15—Consent Calendar

The Subcommittee on Rules may submit a Consent Calendar designed to expedite the consideration of noncontroversial legislation, according to procedures recommended by the Subcommittee on Rules and approved by the House.

10.16—Requirements for Placement on a Calendar

No measure may be placed on a calendar until it has been reported favorably by each committee of reference.

10.17—Informal Deferral of Bills

Whenever the Member who introduced a bill or the first-named member sponsor of a committee bill is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until such Member's return,

unless another Member consents to offer the bill on behalf of the original Member. The bill shall retain its position on the Calendar during the same legislative day. The Member shall have the responsibility of making the motion for its subsequent consideration.

Part Five—Ceremonial Resolutions

10.18—Ceremonial Resolutions Published in Journal

Upon approval of the Chair of the Subcommittee on Rules, a ceremonial resolution may be shown as read and adopted by publication in full in the Journal. The Committee on Procedures shall periodically distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any Member may file an objection with the Committee on Procedures to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the Journal and considered adopted by the House.

RULE ELEVEN MOTIONS

11.1—Motions; How Made

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

11.2—Precedence of Motions During Debate

(a) When a question is under debate, the Speaker shall receive no motion except:

- (1) To adjourn at a time certain.
- (2) To adjourn.
- (3) To recess to a time certain.
- (4) To lay on the table.
- (5) To reconsider.
- (6) For the previous question.
- (7) To limit debate.
- (8) To temporarily postpone.
- (9) To postpone to a time or day certain.
- (10) To refer to or to recommit to committee or subcommittee.
- (11) To amend.
- (12) To amend by striking out the enacting or resolving clause.

(b) Such motions shall have precedence in the descending order given.

11.3—Questions of Order Decided Without Debate

All procedural questions of order, arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

11.4—Division of Question

Any Member may call for a division of a question when the sense will admit of it. A motion to remove and insert shall be deemed indivisible. A motion to remove, being lost, shall preclude neither amendment nor a motion to remove and insert.

11.5—Motion to Recess to a Time Certain

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

11.6—Motion to Lay on the Table

A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the sponsor of a bill or debatable motion shall be allowed 5 minutes within which to discuss the same and

may divide the time with, or waive this right in favor of, some other Member. A motion to table a main question requires a majority vote. A motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

11.7—Motion to Reconsider

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a Member voting with the prevailing side, or for any Member in the case of a voice or tie vote, to move for reconsideration thereof. When a majority of Members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any Member may move for a reconsideration. No bill referred or recommitted to a committee by a vote of the House shall be brought back into the House on a motion to reconsider. The motion to reconsider shall require a majority vote for its adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent. Debate shall be allowed on a motion to reconsider only when the question that it is proposing to reconsider is debatable. When debate upon a motion to reconsider is in order, no Member shall speak thereon more than once or for more than 5 minutes. The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the House has passed to other business.

(b) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved or for such longer period as directed by the Speaker; however, unless otherwise directed by the Speaker, during the last 14 calendar days allowed under the Florida Constitution for a regular session and during any extensions thereof, or during any special session, these shall be transmitted to the Senate forthwith.

(c) The adoption of a motion to waive the Rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration. Local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay. Unless otherwise directed by the Speaker, messages relating to procedural motions, to House action on Senate amendments, or to conference committee reports shall be transmitted forthwith.

11.8—Motion for the Previous Question

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to discuss the same, and each may divide the time with, or waive this right in favor of, some other Member.

(c) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken forthwith on pending amendments and such question in the regular order. If amendments have been adopted, the regular order shall include the adoption of necessary title amendments.

(d) The motion for the previous question may not be made by the sponsor or mover.

11.9—Motion to Limit Debate

When there is debate by the House, it shall be in order for a Member to move to limit debate and such motion shall be decided without debate, except that the sponsor or mover of the question under debate shall have

5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other Member. If, by majority vote, the question is decided in the affirmative, debate shall be limited to 10 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other Member.

11.10—Motion to Temporarily Postpone

The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

11.11—Motions to Withdraw or Refer Bills

(a) Any Member may, no later than under the order of business of Motions Relating to Committee References on the legislative day following reference of a bill, move for reference from one committee or subcommittee to a different committee or subcommittee, which shall be decided by a majority vote.

(b) A motion to withdraw a bill from committee or subcommittee, or to refer a bill from one committee or subcommittee to another committee or subcommittee other than as provided in subsection (a), may be made during the regular order of business and shall require an affirmative vote of two-thirds of Members present and voting.

(c) A motion to refer a bill to an additional committee may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(d) A motion to refer shall be debated only as to the propriety of the reference.

(e) A motion to withdraw a bill from further consideration of the House shall require an affirmative vote of two-thirds of the Members present and voting.

(1) For the purpose of withdrawing bills from further consideration, the first-named Member sponsor shall be regarded as the only Member empowered to move for the withdrawal of a bill. The first-named Member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(2) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

11.12—Motion to Recommit

(a) After a committee or subcommittee reports favorably on a bill, the bill may be recommitted by the House to a committee or subcommittee by a majority vote.

(b) A motion to recommit to committee or subcommittee a bill that is before the House may be made during the regular order of business. The motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

11.13—Dilatory Motions

Dilatory or delaying motions shall not be in order as determined by the Speaker.

11.14—Withdrawal of Motions

The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced, except that a motion to reconsider may be withdrawn only on the day made.

RULE TWELVE AMENDMENTS

12.1—Form

Floor amendments and committee substitute amendments shall be prepared by House Bill Drafting and filed electronically.

12.2—Filing; 2-day Amendment Cycle

(a) When placed on Calendar, a bill or, if accompanied by a committee substitute, the committee substitute is available for floor amendment. A bill referred directly to Calendar or reported favorably by the last committee of reference by 4:30 p.m. shall be placed on Calendar that day. A list of those bills placed on Calendar and available for floor amendment shall be published by 6 p.m. that day or as soon thereafter as practicable. A main floor amendment must be filed by 10 a.m. of the second day, excluding Saturday and Sunday, following the day the bill is placed on Calendar. A substitute floor amendment or amendment to a floor amendment must be filed by 6 p.m. on the second day, excluding Saturday and Sunday, after the bill is placed on Calendar. For the purpose of this Rule, an amendment shall be considered timely filed if the sponsor has approved the amendment for filing or has provided the amendment in substantially completed form for final completion by the Office of House Bill Drafting.

(b) A bill placed on a Special Order Calendar scheduled to be heard at a session prior to completion of the bill's 2-day amendment filing cycle shall be available for floor amendment until 2 hours prior to the session at which the bill is scheduled to be heard. Substitute amendments and amendments to floor amendments for such a bill must be filed 1 hour prior to the session at which the bill is scheduled to be heard.

12.3—Presentation and Consideration

(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the committee (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of committee amendments.

(b) If a committee substitute accompanies a bill, it shall be considered as the original bill. Floor amendments shall be drawn to the committee substitute. An amendment to a pending main amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(1) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.

(2) Amendments to the substitute are next voted on.

(3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the bill itself.

(c) The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

(d) For the purpose of this Rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

12.4—Second and Third Reading; Vote Required on Third Reading

(a) A motion to amend is in order during the second or third reading of any bill.

(b) Amendments proposed on third reading shall require a two-thirds vote of the Members present and voting for adoption, except that technical amendments introduced in the name of the Subcommittee on Rules shall require a majority vote for adoption.

(c) A motion for reconsideration of an amendment on third reading requires a two-thirds vote of the Members present and voting for adoption.

12.5—Amendment of General Appropriations Bill

(a) Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same fiscal standing subcommittee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment.

(b) A floor amendment to the General Appropriations Bill that proposes to move spending authority between sections of the bill shall require a two-thirds vote of the Members present and voting.

12.6—Consideration of Senate Amendments

(a) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

(1) Amend the Senate amendment by a concurrence of the majority required for the final passage of the bill.

(2) Concur in the Senate amendment by a concurrence of the same majority required for the final passage of the bill.

(3) Refuse by the majority of the required quorum to concur and ask the Senate to recede.

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(b) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

(1) That the House recede.

(2) That the House insist and ask for a conference committee.

(3) That the House insist.

(c) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House committee for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the committee to meet. The committee shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be given to the House, in writing, by the Chair of the reporting committee.

12.7—Motion to Amend by Removing Enacting or Resolving Clause
An amendment to remove the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

12.8—Germanity of House Amendments

(a) GERMANITY.

(1) Neither the House nor any committee or subcommittee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted and passed, would require a title amendment for the proposal that is substantially different from the proposal's original title or that would unreasonably alter the nature of the proposal.

(2) The Speaker, or the Chair in the case of an amendment offered in committee or subcommittee, shall determine the germanity of any amendment when the question is timely raised.

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

(b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that are not germane include:

(1) A general proposition amending a specific proposition.

(2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law.

(3) An amendment that substantially expands the scope of the bill.

(4) An amendment to a bill when legislative action on that bill is by law or these Rules limited to passage, concurrence, or nonconcurrence as introduced.

(c) AMENDMENTS THAT ARE GERMANE. Amendments that are germane include:

(1) A specific provision amending a general provision.

(2) An amendment that accomplishes the same purpose in a different manner.

(3) An amendment limiting the scope of the proposal.

(4) An amendment providing appropriations necessary to fulfill the original intent of a proposal.

(5) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.

(d) WAIVER OF RULE. Waiver of this Rule shall require unanimous consent of the House.

12.9—Amendments Out of Order

An amendment is out of order if it is the principal substance of a bill that has received an unfavorable committee report, has been withdrawn from further consideration by the sponsor, or has not been reported favorably by at least one committee of reference and may not be offered to a bill on the Calendar and under consideration by the House. Any amendment that is substantially the same, and identical as to specific intent and purpose, as the measure residing in the committee or committees of reference is covered by this Rule.

12.10—Printing of Amendments in Journal

All amendments taken up, unless withdrawn, shall be printed in the Journal, except that an amendment to a General Appropriations Bill constituting an entirely new bill shall not be printed until the filing of the conference committee report.

RULE THIRTEEN RULES

13.1—Initial Adoption of Rules of the House

The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless waived or amended as provided in these Rules.

13.2—Waiver of Rules of the House

Any Rule of the House, except a Rule requiring unanimous consent, may be waived by a two-thirds vote of the Members present and voting; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a session day.

13.3—Amending Rules of the House

No Rule of the House may be amended except by a report or resolution from the Subcommittee on Rules adopted by the House by majority vote. A report or resolution of the Subcommittee on Rules proposing

amendments to these Rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote of the Members present and voting.

13.4—Parliamentary Authorities

In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of Mason's Manual of Legislative Procedure.

13.5—Majority Action

Unless otherwise indicated by these Rules, all action by the House or its committees shall be by majority vote of those Members present and voting. When the body is equally divided, the question is defeated.

13.6—"Days" Defined

Wherever used in these Rules, a "legislative day" means a day when the House convenes and a quorum is present. All other references to "days" mean "calendar" days.

RULE FOURTEEN MISCELLANEOUS PROVISIONS

Part One—Public Records

14.1—Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law. Any person who is denied access to a legislative record and who believes that he or she is wrongfully being denied such access may appeal the decision to deny access to the Speaker.

14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition

(a) Records that are required to be created by these Rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be archived.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The committee administrative assistant for each existing committee shall ensure compliance with this Rule for all records created or received by the committee or for a former committee or council whose jurisdiction has been assigned to the committee.

(2) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, the Majority Whip, and the Sergeant at Arms shall ensure compliance with this Rule for all records created or received by their respective offices and their predecessors in office.

(3) Each Member shall ensure compliance with this Rule for all records created or received by the Member or the Member's district office.

(4) The director of an ancillary House office shall ensure compliance with this Rule for all records created or received by the director's office.

(5) The Clerk shall ensure compliance with this Rule for all other records created or received by the House of Representatives.

(d) If a committee, council, or office is not continued in existence, the records of such committee, council, or office shall be forwarded to the committee or office assuming the jurisdiction or responsibility of the former committee, council, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents.

Part Two—Distribution of Documents; Display of Signs

14.3—Distribution of Documents

Documents required by these Rules to be printed or published may be produced and distributed on paper or in electronic form.

14.4—Display of Signs, Placards, and the Like

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Chair of the Subcommittee on Rules.

Part Three—House Seal

14.5—House Seal

(a) **REQUIREMENT.** There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a Member or officer of the House in conjunction with his or her official duties or when specifically authorized in writing by the Chair of the Subcommittee on Rules.

(b) **CONFIGURATION.** The seal shall be a circle having in the center thereof a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female scattering flowers in the foreground, encircled by the words "House of Representatives."

(c) **USE.** Unless a written exception is otherwise granted by the Chair of the Subcommittee on Rules:

(1) Material carrying the official seal shall be used only by a Member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) **CUSTODIAN.** The Clerk shall be the custodian of the official seal.

RULE FIFTEEN ETHICS AND CONDUCT OF MEMBERS

15.1—Legislative Ethics and Official Conduct

Legislative office is a trust to be performed with integrity in the public interest. A Member is respectful of the confidence placed in the Member by the other Members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the Member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the Member by the House. To this end, each Member shall be accountable to the House for violations of this Rule or any provision of the House Code of Conduct contained in Rules 15.1-15.7.

15.2—The Integrity of the House

A Member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each Member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

15.3—Improper Influence; Solicitation of Campaign Contributions

(a) A Member may not accept anything that reasonably may be construed to improperly influence the Member's official act, decision, or vote.

(b) A Member may neither solicit nor accept any campaign contribution during the 60-day regular legislative session on the Member's own behalf, on behalf of a political party, or on behalf of a candidate for the House of Representatives; however, a Member may contribute to the Member's own campaign.

15.4—Ethics; Conflicting Employment

A Member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the Member's independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the Member or any other person when such activity is in substantial conflict with the duties of a Member of the House.

15.5—Use of Official Position

A Member may not corruptly use or attempt to use the Member's official position in a manner contrary to the trust or authority placed in the Member, either by the public or by other Members, for the purpose of securing a special privilege, benefit, or exemption for the Member or for others.

15.6—Use of Information Obtained by Reason of Official Position

A Member may engage in business and professional activity in competition with others but may not use or provide to others, for the Member's personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the Member's official capacity as a Member and that is unavailable to members of the public as a matter of law.

15.7—Representation of Another Before a State Agency

A Member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this Rule, "state agency" means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

15.8—Advisory Opinions

(a) A Member, when in doubt about the applicability and interpretation of these Rules with respect to legislative ethics and Member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the Member requesting the opinion. Upon request of any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of Members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the Member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published. Advisory opinions from the House general counsel or the committee may not identify the Member seeking the opinion unless such Member so requests.

15.9—Felony Indictment or Information of a Member

(a) If an indictment or information for a felony of any jurisdiction is filed against a Member of the House, the Member indicted or informed against may request the Speaker to excuse the Member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either nolle prossed or dismissed, or if the Member is found not guilty of the felonies charged, or lesser included felonies, then the Member shall be paid all back pay and other benefits retroactive to the date the Member was excused.

15.10—Felony Guilty Plea of a Member

A Member who enters a plea of guilty or nolo contendere (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that Member's term.

15.11—Felony Conviction of a Member

(a) A Member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing

and without pay, from all privileges of membership of the House pending appellate action or the end of the Member's term, whichever occurs first.

(b) A Member suspended under the provisions of this Rule may, within 10 days after such suspension, file a written request for a hearing, setting forth specific reasons contesting the Member's suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the Member's suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the Member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the Member's suspension shall continue to the end of the Member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the Member shall be subject to Rule 15.9. If the final appellate decision is to vacate the conviction and no felony charges remain against the Member, the Member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

RULE SIXTEEN

PROCEDURES FOR LEGAL PROCEEDINGS

Part One—Committees Conducting Legal Proceedings

16.1—Procedures for Committees Conducting Legal Proceedings

(a) ISSUANCE OF SUBPOENA.

(1) In order to carry out its duties, each standing or select committee, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or the taking of a deposition pursuant to these Rules. The Chair of the committee shall issue such process on behalf of the committee. The Chair or any other member of such committee may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may require evidence.

(2) Each standing or select committee, whenever required, may also compel by subpoena duces tecum with the approval of the Speaker the production of any books, letters, or other documentary evidence it may need to examine in reference to any matter before it. The Chair of the standing or select committee shall issue process on behalf of the standing or select committee.

(b) CONTEMPT PROCEEDINGS.

(1) The House may punish, by fine or imprisonment, any person who is not a Member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

(2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed on behalf of such committee; or

c. Commits any other act or offense against such committee that, if committed against the Legislature or either house thereof, would constitute contempt.

(3) A standing or select committee may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against the House itself. If such committee is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(4) A person guilty of contempt under this Rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee is guilty of perjury in an official proceeding, which is a felony of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(d) RIGHTS OF WITNESSES.

(1) All witnesses summoned before any standing or select committee shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee also shall be served with a general statement informing the person of the subject matter of such committee's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness will be instructed by the Chair not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee. No member of such committee or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this Rule shall be in contempt of the Legislature.

(5) Any standing or select committee taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

(e) RIGHT OF OTHER PERSONS TO BE HEARD.

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee and who, in the opinion of such committee, may be adversely affected

thereby, may, upon the request of the person or upon the request of any member of such committee, appear personally before such committee and testify on the person's own behalf, or, with such committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee regarding the contents of the statement.

(f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select committee at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

Part Two—Complaints Against Members and Officers of the House

16.2—Complaints of Violations of the Standards of Conduct by Members and Officers of the House; Procedure

(a) FILING OF COMPLAINTS. The Chair of the Subcommittee on Rules shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or officers of the House. Complaints of improper conduct against the Chair of the Subcommittee on Rules shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) Review of Complaints. The Chair of the Subcommittee on Rules shall review each complaint submitted to the committee relating to the conduct of a Member or officer of the House.

(2) Complaints.

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the Member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) Processing Complaint and Preliminary Findings.

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the Member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER.

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Subcommittee on Rules such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by Members and officers of the House in the performance of their duties and the discharge of their responsibilities; and

d. Adopt rules of procedure as appropriate.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.

(1) Preliminary Investigation.

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or the staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, the Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding.

a. Findings.

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is of a de minimis nature or is not sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. Collateral Proceedings. If the complaint against a Member or officer of the House has been the subject of action before any other body,

the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

(d) HEARING.

(1) Select Committee on Standards of Official Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a Member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these Rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any

referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a Member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the Member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order

and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) **Proposed Recommended Order.** The proposed recommended order will contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) **Exceptions.** The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) **Recommended Order.** The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) **CONSENT DECREE.** At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) **CONFIDENTIALITY.** Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Subcommittee on Rules, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) **REFEREE.** The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) **INDEPENDENT COUNSEL.** The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) **ATTORNEY'S FEES.** When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) **ELIGIBILITY; SPEAKER OF THE HOUSE.** If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(m) **COLLATERAL ACTIONS.**

(1) **Criminal Actions.** Any criminal complaints relating to Members shall be governed by these Rules.

(2) **Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction.** If a complaint against a Member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Subcommittee on Rules, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a

similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Subcommittee on Rules and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Subcommittee on Rules, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and agencies have completed their review of the matter.

(n) **EX PARTE COMMUNICATIONS.**

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-subparagraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).

(o) **TIME LIMITATIONS.**

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the Rules and regulations of the House, shall be filed with the Subcommittee on Rules within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the Rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the Member or officer is filed with the Subcommittee on Rules. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Subcommittee on Rules. The complaint and all material related thereto shall remain confidential.

16.3—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any Member determined to have violated the foregoing requirements of these Rules shall be fined, censured, reprimanded, placed on probation, or expelled or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 16.2.

Part Three—Complaints Against Lobbyists

16.4—Lobbyists

(a) **OBLIGATIONS OF A LOBBYIST.**

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House.

A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) **ADVISORY OPINIONS; COMPILATION THEREOF.** A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, shall submit in writing the facts for an advisory opinion to the Speaker, who shall either refer the issue to the House general counsel for an advisory opinion or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and may appear in person before such committee. The House general counsel or this committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of such Rule by a lobbyist. Such opinion, until amended or revoked, shall be binding in any subsequent complaint concerning the lobbyist who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the lobbyist or any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the House general counsel or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.7. The House general counsel or committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the House general counsel or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions of the House general counsel or committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists.

16.5—Complaints of Violations Relating to Lobbyists; Procedure

(a) **FILING OF COMPLAINTS.** The Chair of the Subcommittee on Rules shall receive and initially review allegations of violations of the Rules of the House, Joint Rule 1, or violations of a law, rule, or other standard of conduct by a lobbyist.

(1) **Review of Complaints.** The Chair of the Subcommittee on Rules shall review each complaint submitted to the subcommittee relating to the conduct of a lobbyist.

(2) **Complaints.**

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the lobbyist (respondent) alleged to be in violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

3. The nature of the alleged violation based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) **Processing Complaint and Preliminary Findings.**

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the lobbyist against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

(b) **PROBABLE CAUSE PANEL OR SPECIAL MASTER.**

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) **Powers and Duties.** The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Subcommittee on Rules such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by lobbyists; and

d. Adopt rules of procedure as appropriate to its needs.

(3) **Quorum.** A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.

(1) Preliminary Investigation.

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or the staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, the Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding.

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is of a de minimis nature or is not sufficiently serious to justify the imposition of a penalty pursuant to Rule 16.6, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Lobbyist Conduct pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 16.6, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

(d) HEARING.

(1) Select Committee on Lobbyist Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Lobbyist Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon

which to base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 7.14.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these Rules, unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered

by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel and then may be cross-examined by the select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a lobbyist is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the lobbyist be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Subcommittee on Rules, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Lobbyist Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Lobbyist Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(l) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

(m) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the Rules of the House, Joint Rule 1, or any law, rule, or other standard of conduct by a lobbyist shall be filed with the Subcommittee on Rules within 2 years after the alleged violation.

(2) A violation of the Rules of the House is committed when every element of the Rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the lobbyist is filed with the Subcommittee on Rules.

If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Subcommittee on Rules. The complaint and all material related thereto shall remain confidential.

16.6—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these Rules, any provision in Joint Rule 1 adopted by the House and the Senate, or any law, rule, or other standard of conduct by a lobbyist may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the select committee so designated under Rule 16.5.

—was read the first time by title. On motion by Rep. Goodlette, the resolution was read the second time by title.

Rep. Goodlette moved the adoption of the resolution.

Remarks Relating to HR 1-Org.

Rep. Goodlette: Thank you, Mr. Speaker, and Members. I wanted to take this opportunity to thank the working group, the Members that have been working on these rules over the last several months. Particularly I would like to thank Representative Bense, Representative Cantens, Representative Wiles, and Representative Ryan, and would also be remiss if I didn't acknowledge the important role played by PK Jameson, by Paul Hawkes, and by Richard Hixson. They are the people who have been working as your members of your staff over these last several months on the important work that's gone into the Rules.

Members, you have before you, and I think that the Clerk is in the process of now distributing, House Resolution Number One which incorporates the recommendations we have made to the Speaker for revisions to the House Rules. During the interim the Speaker asked Representative Bense, Representative Cantens, and myself to work together to review the House Rules and to make our recommendations to the Speaker for the changes to those Rules. We worked with our Clerk, importantly, John Phelps, and our Director of Bill Drafting, Tom Tedcastle, to incorporate in our recommendations those changes that are necessary, Members, to conform the Rules to the Lawmaker technology. Many of the changes that you see in House Resolution 1-Org. relate to filing, to engrossing, and to reporting of bills and amendments and other technical matters which will conform the Rules to the capacities of our Lawmaker technology.

The Rules also, Members, reflect the new subcommittee structure of the House and also make conforming changes to accommodate the role of subcommittees. We have also recommended some substantive changes, Members. I will briefly go through and go over some of those changes and then I'm going to defer to Representative Bense and Representative Cantens to discuss two of the more important policy recommendations contained in HR 1-Org. We have also met, as I indicated before, with Representative Wiles and Representative Ryan, who have both reviewed these proposed changes and we believe that we have incorporated their recommendations on the proposed changes in what's now being distributed to you, or has been distributed. Representative Wiles, I believe, will also make some comments regarding the changes with you today.

After our working group, Members, was completed and our presentations made we will be available to try to answer any questions that you may have regarding the Rules. With that, let me give you an overview of the major changes and then Representative Bense and Representative Cantens and Representative Wiles will discuss the important policy changes.

The first major change, Members, is in Chapter Five on the introduction and relating to the introduction of bills. In Rule 5.2 the filing deadline for all House Bills is changed to now be noon of the opening day of the regular session—noon of the opening day of the regular session. This will conform the House Rule to the Senate Rule

and will also eliminate any confusion about filing deadlines that may have existed heretofore. It will also place the House Members on equal footing with Senators with regard to the filing of companion measures.

Next, also in Chapter Five, Members, is Rule 5.3. We are keeping the six bill limit, but we are increasing the exceptions to that six bill limit. Importantly, under the new Rule, as proposed, claim bills will not count toward your bill limit. Likewise, House joint resolutions adhering to general bills will not count toward that bill limit.

In Rule Chapter Six on references, we've retained the discretionary references and the reference authority of the Speaker with regard to bills reported out of committee with amendments. The Rules, however, also authorize the Speaker to remove a reference where the amendment has removed the necessity for that particular committee to consider the proposed legislation. And also under Rule 6.3 the Speaker will have discretionary reference authority if amendments are filed to a bill that is already on the Calendar.

In Rule Seven, that is Chapter Seven, relating to committees there are several changes. In Rule 7.9, a committee chair will be able—very important, Chairmen—a committee chair will be able to delete any item from an agenda by amended notice prior to the commencement of the meeting. Again, deleting items prior to the notice, not adding. This will allow the advance notice to interested parties, and very importantly to the public, in the event a committee will not be taking up a previously agenda'd bill.

In Rule 7.13, we have recommended, for clarity purposes, a rewording of the old motion to reconsider and leave pending, which many of you will recall. The new language, Members, reflects our practice for allowing any Member on the prevailing side to order that a bill be kept in that committee for the purpose of reconsideration, subject to being overruled by a two-thirds vote of that committee. In addition, in Rule 7.15 we have provided for review by a parent committee if a subcommittee reports a bill unfavorably. Finally, in Rule 7.22 we have also incorporated our new technology to provide that all committee revisions to a bill will be reported, this is very important, will be reported in a single engrossed committee substitute amendment. In other words, there will no longer be traveling amendments. We think that is going to be extremely important in clarifying the process.

Moving on, in Rule 9 on voting, we have recommended eliminating pairing of votes. This practice has not been used in this Chamber in recent years.

In Rule 10, on the order of business, there is a very significant change in 10.11 that provides that no bill shall be considered for passage—that is no bill will be considered for passage—on the day it is amended or on the next succeeding calendar day. Representative Bense is going to go into more detail on some of these changes with you. It's a very important major change, a two day waiting period. Also, in Rule 10.12, on special rules, we have eliminated, in discussions with the minority office and Representative Wiles and Representative Ryan, the restriction on amendments so that there will be no closed bills. We have also eliminated the prior restrictions against taking up bills on second reading after the 55th day which were in former Rules 10.21 and 10.22. This will allow, obviously, that the committees will continue to work on bills and report them to the Calendar throughout the session, right into the eighth week.

In Rule Chapter 12 on amendments, we have recommended changing the filing deadlines for floor amendments. This is a very important change. All floor amendments must be filed within two days after a bill has been placed on the Calendar. Again, within two days after a bill has been placed on the Calendar. This will allow the Members more time—more time—to review floor amendments and will also allow a thorough review to determine whether a committee has done its work and presented the bill to the House in a form that is ready for floor consideration.

Finally, in Rule 12.9, we have included, in a modified form, our previous rule that prohibited floor amendments that were the substance of a bill that had not been reported favorably by all committees of

reference. We are requiring, and this is important, that at least one committee must report out a bill favorably before that issue can be considered on this floor for an amendment. Again, Representative Cantens is going to discuss both of these Rule 12 issues in a little bit more detail. Mr. Speaker, with that I would suggest that Representative Bense be recognized to discuss the major, the first major policy change in the rules that I eluded to earlier.

Speaker Byrd: Representative Goodlette yields to Representative Bense. You are recognized.

Rep. Bense: Thank you, Mr. Speaker. And, Mr. Speaker, I commend you for opening up this process to the light of the sunshine, as you mentioned earlier. Members, in my experience the areas where we get in the most trouble with our constituents is when we vote a bill in final passage without an opportunity to read the bill thoroughly. A few years ago, before my service, I remember the bingo reform bill and the tobacco liability bill that certainly was the subject of a lot of controversy.

No one wants to lock the folks who sent us here out of the process. We have fallen victim, however, to a perceived need to rush major public policy changes through because of our short session. This does not well serve the people of Florida; it does not serve us, nor is it necessary. Speaker Byrd is to be commended for the wisdom to ask that we be diligent in the early part of our session, so that we can avoid being sloppy at the end of session.

The new Rule 10.11, allows a cooling off period before we vote on final passage of a bill. That means that if we decide to amend a bill on Wednesday, for example, we cannot vote on final passage until Friday. We already have a cooling off period for how we spend the people's money and this logic also applies. It allows us a chance to hear from those we serve, and to evaluate the impact of the amendments we adopt prior to having to vote on the measure.

The new rule applies to both Senate bills and House bills and it applies to amendments put on a bill in either the Senate or the House. It does not require the bill to be in the possession of the House for two days, only that the bill be available to you and your constituents for two days. Another example would be if a House bill passes the House and is amended by the Senate on Monday, we could strip the Senate amendment and pass it on Monday or Tuesday, but would have to wait until Wednesday if we wanted to adopt the bill as amended.

Again, thank you, Mr. Speaker, for allowing me to participate in this process, and thank you, Mr. Speaker, for finding a way to allow the people of Florida to have even greater opportunity to participate in this process.

Speaker Byrd: Thank you, Representative Bense. Back to Representative Goodlette.

Rep. Goodlette: Thank you again, Mr. Speaker. I'd like to yield to Representative Cantens for some further discussion on the Rule Chapter 12, Mr. Speaker.

Speaker Byrd: Representative Goodlette yields to Representative Cantens. You are recognized, Representative Cantens.

Rep. Cantens: Thank you, Mr. Speaker, Members. Members, inevitably in the four years that I have been here, we show up on the floor one day and yet there is a bill on the special order calendar and you get a string of amendments that are strike-all amendments and they're the substance of bills that are still sitting in committee and didn't make it through committee. What the Speaker has attempted to do with Rule 12, is to try to eliminate that as much as possible. Insofar as you want to have an amendment with the rule changes heard on the floor, you've got to file that amendment within the two day period, once the bill has cleared all committees and been placed on the Calendar. For the new Members, there is a huge difference between your bill being on the general calendar and your bill being on the special order calendar. We are referring here to the general calendar. Once your bill has cleared all committees, your bill automatically goes on the general calendar. Irrespective of anyone making any decision, it automatically goes on the general calendar. You've got until 10:00 a.m. of the second day, to file

amendments to those bills. It may not even be being considered for special order, yet. It may not go on special order for four or five weeks, but if you want to have an amendment on that bill, you've got to file it by 10:00 a.m. of the second day after a bill goes on the general calendar. Between 10:00 a.m. and 6:00 p.m. of that day, you can file substitute amendments or amendments to the amendment. But that's when the bill is still on the general calendar; it hasn't even gotten to the special order calendar yet. So you might have three or four or five weeks to be able to review these amendments, strike-all amendments, whatever they might be.

In conjunction with that particular rule change, you've also got the rule that allows the Speaker to recommit the bills. So, if there is a bill that has attracted a great deal of attention, it has 15, 20 amendments, or whatever, there is no magic number, but a number of substantive amendments are being filed on a particular bill, obviously that bill needs some more work. And it is at the discretion of the Speaker to be able to send that bill back to committee. Why? Why do we want that bill heard on the committee, in the committee, with those amendments to be heard in the committee process? Because once those amendments are filed on a bill and that bill comes to the floor, that takes the public out of the process. There is no more public input. The only people that will be able to speak on that bill and on those amendments are the Members that have privileges to speak on the floor. By sending that bill, with all the amendments back to committee, it reinserts the public. It allows public testimony. It allows people, constituents from our districts, to be able to come and testify on those particular amendments. This is the open process; this is a member-driven process that engages us to be a little bit more vigilant when those bills get on calendar. It's going to make us work a lot harder, a lot harder, because you're going to need to be tracking that general calendar down every night when it comes out to find out what bills have cleared committees, so that if you want them to change something to a bill you can file it by 10:00 a.m. on the second day.

The second part of Rule 12, are the amendments out of order. Along the same lines, we want to make sure that before an issue has been discussed, is to be discussed, on the floor, as an amendment, that it has had an opportunity to be discussed in committee. So, if one of your bills, if you have a bill that has been filed, and it's still sitting in committee and has never been heard by a committee, you will not be able to file that bill as an amendment to another bill on the floor. You are going to need to get that bill heard in a committee and have it passed out of that committee before you are going to be able to file that particular bill as an amendment to another bill.

Members, and Speaker Byrd, I commend you for these changes. These are things that are going to make the process a very, it's going to put more work, and require more work of us as Members, because we're going to need to get engaged in these bills early on in the process. We're going to be filing, I'm assuming, more amendments in the committee process so that the public can have input on these amendments, rather than filing them on the floor. But that is what this process is about. We represent the people of the state of Florida. I commend you for allowing the people of the state of Florida to continue to have input in this process.

Speaker Byrd: Thank you, Representative Cantens.

Now, Members, are there questions of the sponsor? Are there questions of Representative Goodlette? Are there questions?

There being no questions, the question is on the adoption of the organization resolution, so I would ask for—is there debate or discussion of the resolution?

Representative Wiles, you're recognized.

Rep. Wiles: Thank you, Mr. Speaker and Members. I think many of us who have been in this Chamber for a number of years will agree that it is very, very difficult to craft a perfect bill. That even though that we do a lot of research and exercise great care, even the best intentions can go awry. And I think so it is sometimes with some of the other resolutions that we adopt, such as these Rules. There are a number of changes, and I think there are a number of changes that many of us will

feel are marked improvements in the way in which we have conducted business on this House floor and in our committees in the past. But there are also some things that still are of concern. Having said that, however, I would encourage an affirmative vote for the Rules as they are presented.

The question recurred on the adoption of HR 1-Orig., which was adopted.

Motion

On motion by Rep. Goodlette, the Clerk was allowed to make technical and clerical changes to the House Rules adopted earlier today.

Moment of Silence

At the request of Rep. Richardson, the House observed a moment of silence in memory of Sergeant Dale Green, a 13-year veteran of the Tallahassee Police Department killed in the line of duty on November 13th.

Motion

On motion by Rep. Fiorentino, the rules were waived and all organization remarks were ordered spread upon the *Journal*.

Rep. Bense moved that, after the benediction, the House adjourn *sine die*.

Benediction

The following benediction was offered by Reverend Maxie Miller of Mount Olive Baptist Church of Plant City:

Lord, we thank You for this moment where time and eternity meets; where You the Creator have allowed us to witness this new day dawning, a great day in the state of Florida; where Your blessings and favor has placed our friend and fellow Plant Citian, Johnnie Byrd, into his new place of servant-leadership. Lord, be with him and all of his constituents, all of us as Floridians, help us to walk hand in hand with these leaders. Pilot Johnnie's heart. Grant him wisdom to represent this great state. And above all, grant him courage to be a witness for You in all that he does.

In Your name we pray. And they all said, Amen.

Letter Pursuant to Section 112.324(e), Florida Statutes

The following letter to former Representative Willie F. Logan, House District 103, was received:

September 11, 2002

Dear Representative Logan:

I am in receipt of the Final Order and Public Report of the State of Florida Commission on Ethics related to a complaint filed against you by Michael Wynn. In its report, the commission has determined that you violated section 112.313(6), Florida Statutes, "by wrongfully obtaining, using, and/or retaining State funds tied to [your] public office in a manner inconsistent with the proper performance of [your] public duties. . ." The Commission has recommended public reprimand and censure and a civil penalty of \$8,000.

Pursuant to the provisions of Section 112.324(e), Florida Statutes, the determination as to what penalty shall be imposed against a former Member of the legislature is vested in the presiding officer of the appropriate chamber. Accordingly, it is my responsibility as Speaker to determine the appropriate penalty to be imposed with respect to the findings of the Commission on Ethics. Upon reflection, I have determined that the amount of the civil penalty recommended by the commission is appropriate, and am directing that you pay a fine in the amount of \$8,000. I am also approving the recommendation that you be publicly censured and reprimanded and am forwarding a copy of this letter for publication in the *Journal* of the Florida House of Representatives which shall serve as such public reprimand and censure.

Respectfully,
Tom Feeney
Speaker

Adjournment

Pursuant to the previous motion by Rep. Bense, the House, having completed its organization, adjourned at 12:51 p.m. *sine die*.

JOURNAL OF THE HOUSE OF REPRESENTATIVES

**Daily Indices for
November 19, 2002**

NUMERIC INDEX

NOTE: [Page number listed indicates location of bill title and/or initial reference of bill.]

HR 1-Org. 11

SUBJECT INDEX

Committee to the Governor 11	Election of the Speaker 3
Committee to the Senate 11	Presentation of Governor and Lieutenant Governor 4
Consideration of HR 1-Org. 11	

This publication was produced at an average cost of 2.7 cents per single page in compliance with the Constitution and for the purpose of informing members of the Legislature and the public of actions of the House of Representatives.

**FLORIDA HOUSE OF REPRESENTATIVES
TALLAHASSEE, FLORIDA 32399-1300**